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# **Caring for Rights: Social Work and Advocacy with Looked After Children and Young People**

**by**

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**A thesis submitted in partial fulfillment of the  
requirements for the degree of Doctor of Philosophy in  
Health and Social Studies**

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## **DECLARATION**

I declare that this thesis is my own work and that it has not been submitted for a degree at another University.

## ABSTRACT

This thesis concerns young people in the Midlands area of the United Kingdom and the services they receive from children's rights workers and social workers. Previous research has highlighted difficulties in the implementation of local advocacy for young people in the 'care system' but has not explored in detail the impact of relationships between these young people and their professional workers and of differing approaches to the work.

This is a qualitative study, based primarily on semi-structured interviews with twenty young people, their rights workers and their social workers. The young people ranged in age from twelve to twenty and most had been in residential or foster care. The study aimed to explore the participants' views and experiences of social work and advocacy with young people, the professionals' approaches to the work and their attitudes to, and relationships with, young people. Relational theory, particularly from *ethics of care* feminist scholarship, has been used to examine the concepts of care and rights in the principles and practice of the professional workers.

The study found that young people wanted professional workers who cared about them as individuals and who focused on the *process* of the work, but they were also concerned about the consequences of rights work. The study suggests that rights workers had a strong care ethic in their individual work with young people, whilst social workers were concerned about *managing* young people's care rather than engaging with them individually. The rights workers faced a number of dilemmas in upholding rights principles in practice.

The study concludes that polarised principles of rights and care in practice could be unhelpful to work with young people. Consideration of elements of a care ethic alongside rights in both social work and children's rights work could lead to a more unified discourse that would benefit practice with young people. This would entail a more sophisticated understanding of advocacy and bring *care* back into social workers' individual work with young people.

## INTRODUCTION

Children and young people who require the services of a social worker are among the most disadvantaged in UK society. Most of those in this study have needed support from social workers because their birth families have been unable to care for them, and they have needed to rely on social workers for help with somewhere to live, someone to look after them, as well as assistance with money, education, health and keeping in contact with their relatives.

Disadvantage and discrimination in the lives of children and young people in the public care are well documented. These commonly occur at every stage: in their family of origin, their experiences within the care system, through to their lives after leaving care. Although there is a risk of generalising and adding to the stigma (Parker, 1987), research suggests that these children and young people come disproportionately from families living in poverty (Thomas, 2000; Read and Harrison, 2002), that Black children and those from dual heritage are over-represented in the figures (Barn, 2006) and that disabled children and young people are frequently in the public care, many albeit for short periods (Stein, 2005). Hence, many of these young people already experience a range of intersecting oppressions. Further, recent statistics provide evidence that 61% of children had come to the attention of social services because of abuse or neglect prior to entering care (Department for Children, Schools and Families, 2009).

The process of entering care itself is often bewildering and confusing (Thomas, 2000), and once in care many young people suffer stigmatisation (McNeish and Newman, 2002), bullying and abuse (Utting, 1997; Waterhouse, 2000; Clough et al., 2006; Frost and Parton, 2009) and numerous moves in foster and residential care which affect their education and close relationships (Department for Children, Schools and Families, 2006; 2009). Many also have difficulty in accessing services because of their reliance on social work and its organisation, where there are frequent changes of personnel and resource shortages (Department for Children, Schools and Families, 2006). Research about outcomes for young people who have been looked after provides further evidence of their disadvantage, for example their low level of educational attainment, high unemployment levels and over representation in prison populations (Stein, 2005; Wade and Dixon, 2006).

Since the 1990s many looked after young people have had access to local children's rights and advocacy services to help ensure that they obtain the services they need. Young people's relationships with both social workers and children's rights workers are consequently very important to them. Whilst the two groups of professional workers have common aims in promoting the well being of young people, they have different roles and different perspectives on their work. One of the major differences is that social workers have overall responsibility for the young people's welfare, whereas rights workers assist over specific issues at young people's request. In theory, the two groups also embody different and opposed principles, those of care and rights.

There has been little research about young people's views of the services they receive from children's rights workers and social workers, which also takes into account the views of these professionals about their work and explores the relationships between the professionals and the young people. This study draws on the perspectives of young people, their rights workers and social workers to examine in detail the principles and practice of advocacy and social work. It considers the perceived impact of this work on children and young people and highlights some of the dilemmas experienced by all parties. It explores the professionals' work with young people in light of an *ethic of care*, as outlined by feminist theorists such as Gilligan (1982), Tronto (1993) and Sevenhuijsen (1998), which helps to examine aspects of the participants' relationships, attitudes and principles.

The study is based mainly on twenty semi-structured interviews with young people in the age range of twelve to twenty. These were young people who volunteered to take part and who had received individual advocacy services from four local children's rights projects in the Midlands area. All but one of the young people had been in residential care, foster care or both. I also interviewed all the children's rights workers from the four rights projects who had been providing this individual advocacy since all agreed to take part. There were nine altogether as some were working with more than one of the young people. I tried to interview all the young people's social workers who were located in seven different local authorities. However, this was not possible since some young people did not have a social

worker at the time and others were not available for interview. Eventually, I interviewed twelve of the young people's social workers. Further details of the participants and the research methodology appear in Chapters Three and Four.

## **My interest**

My interest in this field of study has developed over a number of years. During my practice as a social worker and later, as a manager of children's social work services, I was concerned that social workers did not always focus on children and young people in services supposedly designed for them. As part of a Masters Degree, I carried out a small-scale piece of qualitative research about child protection investigations, and this provided further evidence for my concern, since I found that children and young people were often rendered invisible in the complexities of child protection procedures (Barnes, 1993). Adults were busy talking to one another rather than to the young people involved and I concluded that advocates would be helpful in assisting young people to get their views heard.

Some years later, I was involved in a study commissioned by the children's voluntary organisation, NCH, to evaluate a new children's rights project for children and young people in residential and foster care (Barnes and Davis, 2003). The research deepened my understanding of children's rights practice. Whereas I had considered it to be a simple case of expressing the rights of children and furthering complaints about their care on their behalf, I soon realised that the issues were more complex. The research highlighted many positive views of the service

but also difficulties in implementation. For example, young people's access to the rights service was not always straightforward and some young people found they were caught up in conflicts between professional workers. To provide an effective service for children and young people, children's rights workers needed to work closely with carers and with other professionals, but many of these were ambivalent about children's rights work. Some saw the work as threatening, counterproductive, naïve or unnecessary. Some considered that children's rights workers operated in isolation from other professionals and that they did not take enough account of young people's situations. I was concerned that, whereas social workers and children's rights workers had similar aims in improving the lives of children and young people, they experienced great difficulty in working together to achieve this. They also expressed different attitudes to children and young people, and I was surprised by this perceived polarisation of views.

I became interested in doing a further study to explore some of these issues. I considered that, given the right conditions, social workers in conjunction with children's rights workers might have a unique opportunity to make a positive difference to the lives of these disadvantaged young people. I wondered whether a 'children's rights approach' could provide an opportunity to '*get it right*' for these young people and whether we were in danger of missing this opportunity if children's rights work was not properly understood by other professionals or if conflicts continued. Like many involved in social care research, my main motivation was to try to improve services and make a difference if possible. In this

doctoral study I have aimed to build on my previous research by considering the implications for children and young people of their involvement with social workers and rights workers, whose approach to the work with them may be very different.

## **Rationale**

As noted above, there has been little research into children and young people's views and experiences of children's rights work and social work, explored alongside the professionals' views about their work. Research that does relate to this field falls mainly into the following categories:

- Young people's views about social work
- Looked after children and young people's participation in decision making
- Complaints systems for children and young people looked after
- General research about children's rights
- Evaluations of children's rights and advocacy services

Below, I summarise the relevance of existing studies to my doctoral study and I shall discuss some of these in further detail at the end of Chapter Two, where I consider current practice issues in social work and advocacy with children and young people.

Research studies of young people's views of social work have found that their experience of the care system and social workers made them feel powerless



(Farnfield, 1998; Munro, 2001). Morris (1998) found that young disabled people in the care system felt even more disempowered. Recent studies of children and young people's relationships with social workers have considered how social workers may form more positive relationships with young people, for example through drawing on attachment theory and through reflection (Bell, 2002; Ruch, 2005; McLeod, 2008).

With regard to looked after children, several studies have considered their rights to participate in decision making (Butler and Williamson, 1994; Marshall, 1997; Munro, 2001; Shemmings, 2000; Thomas, 2000). This research provides strong evidence that children and young people do not consider that their views are sufficiently taken into account by public authorities responsible for their care. Other studies have highlighted the importance of effective complaints procedures for children looked after by local authorities and the role of advocacy within this (Buchanan et al., 1993; Fletcher, 1993; Utting, 1997; Clarke, 2003; National Care Standards Commission, 2003; Pithouse and Crowley, 2007). Some of these have documented young people's worries about lack of confidentiality in making complaints.

Children's rights research has added to a general understanding of the ways that children and young people may be oppressed in Western society. It includes studies by Morrow (1999) on school children's interpretation of rights issues and participation. She concluded that they felt denied the opportunities that adults have

to be included in decisions that affected their lives, especially as they grew into their teenage years. Documentary research by Saunders and Goddard (2001) suggested that children are frequently objectified, dehumanised and referred to as 'it', rather than as 'he' or 'she', in legal parlance and even in academic writing about children's rights. They cite, for example, Archard (1993) who writes:

International charters of children's rights frequently speak of a child's right not to be discriminated against on account of *its* [my emphasis] national or social origins. (Archard, op cit.:107)

Local children's rights services for young people looked after, similar to those in this study, have been the subject of several evaluation studies (Dalrymple and Payne, 1994; Ellis and Franklin, 1995; Rae, 1996; Barnes and Davis, 2003; Oliver et al., 2006). These have helped to highlight a range of issues about their implementation, including difficulties for young people in accessing the services and the importance of the independence of advocates. The studies also found that advocates encountered negative views about their work from other professionals, especially when challenging practice on behalf of young people.

Some studies of rights services have identified the importance of young people's relationship with advocacy workers, but have said little about the nature of this relationship (Boylan and Ing, 2005; Dalrymple, 2005; Oliver et al., 2006; Knight and Oliver, 2007). There is little detailed study of the way that children's rights and

advocacy workers approach their work with young people, the models of advocacy they use, whether and how these may vary and of the impact on children and young people of these factors. There is also little consideration of how differing approaches by children's rights workers and social workers may affect services for young people, although Oliver et al. (2006) have touched on this issue.

Local children's rights and advocacy services operate within the social care system therefore it is important to examine how these professionals work together for young people, and this aspect has also been explored very little. For example, how do children's rights workers, whose work is based on universal principles of rights, interact with social workers, who operate within a more contextual and needs based discourse? Typically, as exemplified in professional literature (Department of Health, 2000; Department of Health/CROA, 2000), children's rights work offers a view of children and young people as independent 'social actors' whereas social work tends to regard them as dependents with needs. A range of views is likely within the professional groups, as found in Barnes and Davies (2003). However, if this difference in theoretical perspective is applied to practice in work with children and young people, how does this affect young people themselves?

As outlined below, the aims of the research have been to improve understanding of these issues by eliciting the views of all three parties involved, that is, children and young people, their rights workers and their social workers. It has also aimed to consider the meanings that members of each group attribute to their experience, as

well as the professional discourses contained in the interview data. The study's basis in relational theory serves to highlight inter-relational issues amongst the groups of participants.

## **Research aims and questions**

### **Aims of the research:**

1. To add to knowledge and understanding about looked after children and young people's experiences and views of work undertaken with them by children's rights workers and social workers.
2. To add to knowledge and understanding about the experiences and views of children's rights workers and social workers about their work with children and young people and about their work with each other.
3. To add to knowledge and understanding about children's rights workers' and social workers' attitudes to children and young people.
4. To make an original contribution to childhood studies through considering the understanding and application of the principles of rights and care in the professionals' work with children and young people.
5. To contribute to the development of practice in children's rights work and social work by considering the implications of the findings for the delivery of services.

### **Research questions:**

1. What are the views and experiences of looked after children and young people in relation to:

- the work of their children's rights workers and social workers?
  - any differences in the way they are treated?
  - any problems or conflicts with these services?
  - their understanding of social work and advocacy?
2. What are the views and experiences of children's rights workers and social workers in relation to:
- their own role and work with young people?
  - their approaches and models of working?
  - relationships between the two groups of workers?
  - their understanding of social work and advocacy?
3. What are the similarities and differences between children's rights workers and social workers in relation to:
- professional discourses and the language they use?
  - models and approaches to their work?
  - their attitudes to children and young people?
  - an ethic of care?
4. What are the implications of the findings for the delivery of children's rights and social work services?

## **Definitions and terminology**

### **Children and young people**

Throughout this thesis I refer to ‘children’ and ‘young people’, sometimes using the words generically to refer to all age-groups under eighteen years, as is common in academic literature. There is further discussion of the terms ‘child’ and ‘childhood’ in Chapter One. I use eighteen years as the maximum age as this is the United Nations Convention on the Rights of the Child (UNCRC) definition of ‘child’ in use across the world, though clearly there are different ages in the UK for different permissions to, for example, get married, drink alcohol, vote and so on (Childright, 2008), and these vary from country to country. I use the term ‘young people’ when referring to the older age range as it seems inappropriate to refer to specific individuals as children when they are over the age of around ten or eleven and this fits with my study where all participants are over this age. Equally, it seems inappropriate to call an individual under the age of around three or four a young person rather than a child. Two of the young participants in the study are over the age of eighteen and I hope they will forgive me for referring to them, along with others, as ‘young people’ even though they are legally adults.

### **Children’s rights and advocacy**

The services that are the subject of this study are local and are usually referred to as ‘children’s rights and advocacy services’ as they provide a range of services that fall into these two categories. The term ‘children’s rights’ services is normally used inclusively to cover all the activities of these services including group

discussions about rights, education about rights, assisting children and young people to offer consultation with local authorities, as well as individual advocacy services. I refer to the workers in the study as children's rights workers as this covers the range of work they do. There is a detailed discussion of children's rights theory in Chapter One.

'Advocacy' in terms of these services normally refers to the one to one assistance by professional workers to children and young people. It is defined by Children's Rights Officers and Advocates (CROA) thus:

Advocacy services assist and support individuals and groups of children and young people to have their voices heard, and be involved in decision-making. (CROA/ Local Government Association, 1998: 16)

Confusion can occur when referring to 'advocacy' because of its legal connotations, as one of the rights workers in my study explained. When he was present in court on behalf of a young person the judge was confused about this 'advocacy' role, since in legal proceedings it is usually used to denote a legal representative. *Professional* advocacy is the usual model used with children and young people in the local rights services, rather than *citizen*, *peer* or *self* - advocacy (Ivers, 1998; Henderson and Pochin, 2001; Boylan and Dalrymple, 2009).

## **Social workers**

When I embarked on this study I had thought that the professionals who would be participating would be children's rights workers and qualified social workers.

However, organisational structures have changed and two of the workers directly responsible for social work with the young people were a leaving care worker and a social work assistant who did not have a social work qualification. Despite this, I have used the term 'social worker' to describe all those participants who were casework responsible for the young people, as a generic term for the sake of brevity. I have given details in *Table 1*, Chapter Four of all the workers interviewed and the young people they worked with.

## **Looked after children and children 'in care'**

I frequently use the generic term 'in care' for young people in residential and foster care. This is a generally accepted shorthand (and used extensively by participants in this study) even though the correct terminology following the Children Act 1989 (Sections 22 and 23) is 'looked after' children and young people.

## **Structure of the thesis**

The first chapter, following this Introduction, explores the concepts of childhood, rights and care that are fundamental to the study. I outline the relational and post-structural theories that I have drawn on in considering these concepts and used throughout the study. I consider children's rights and care, and how an ethic of care, that has been important in feminist thought, may be applied to the situation of



children and young people. Chapter Two traces the concepts of rights and care through the law and policy governing social work and advocacy with children and young people in the UK. It looks briefly at the history of welfare and rights but is concerned most with more recent developments in law, policy and practice. The chapter ends with a discussion of some common themes in current practice in social work and advocacy with children and young people, and this provides a rationale for the research aims and questions detailed earlier.

Chapter Three outlines the methodology of the study and discusses the relevant theories behind it, including reflexivity and ‘voicing’ and participation in research. I consider the value and limitations of the qualitative approach I have taken for this particular study and then proceed to describe in some detail the process of the research. This includes its ethical considerations and the stages of gaining access, data collection and analysis, and I include observations made contemporaneously in my research diaries. The two following Chapters (Four and Five) are concerned with the research findings. These consist mainly of the words of the participants, organised into a structure that compares the young people’s and the professionals’ views and experiences of social work and advocacy. Chapter Four includes tables with anonymised details of the research participants. Chapter Six provides a discussion of these findings, using theory from preceding chapters to illuminate and interpret them. In the final chapter I come to some conclusions and consider implications for the two services. I then look back at the study and consider what it has achieved.

## **CHAPTER 1: THEORISING CHILDHOOD, RIGHTS AND CARE**

This chapter outlines the theoretical basis of the study, considering first the relational and post-structural theories that I have drawn on and that have been central to my thinking. In light of these and other theories, I then go on explore concepts of childhood, rights and care. In a study relating to children and young people it is important to examine what we mean by ‘childhood’ and I include a discussion of theories that regard childhood as a biological ‘fact’ and of those that view it in terms of children’s psychological development. Both perspectives are critiqued by a burgeoning group of sociological and cultural theories and I shall consider these in some detail. My discussion then moves on to children’s rights which inform the basic principles for rights workers in the study. It will examine the concepts and theories that underpin debates about these, including child liberationist arguments and debates about children’s citizenship and capacity. I conclude the chapter with the challenges to concepts of rights from feminist ‘ethics of care’ proponents and consider how these might apply to the concerns of children and young people, including those who participated in this study. Central to this debate are questions about care and carers, as well as about dependence and independence, matters of fundamental importance to social work.

### **Relational and post-structural theories**

Relationality understands the world in terms of the connectedness of *things* and, in human sciences, of people (Slife, 2005). A relational ontology regards things and

people as existing only in relation to one another and sees *context* as vital to understanding. It would suggest, for example, that a young person cannot be understood in isolation from his or her world of connections with people, institutions and objects. To illustrate this further, relationality in the field of understanding 'personal life' introduces a perspective beyond that of the traditional considerations of family, to include all a person's meaningful connections with others, such as relatives, friends, work colleagues, living or dead and includes their connection with money and possessions (Smart, 2007). In its emphasis on inter-relationship and interdependence, relationality is particularly pertinent to this study of children's rights and care, since the independence or dependence of children and young people is at the centre of this debate.

Relational ontology contrasts with the predominant Western academic tradition of regarding people as independent, rational individuals. It is most easily understood in its difference from an ontology that sees the world in terms of separate autonomous individuals acting on one another. Mauthner and Doucet (1998: 123-4) suggest that relational ontology is consistent with symbolic interactionism.

Symbolic interactionism, as developed by Blumer (1969), is similar to relational theory in taking account of people in relationship with others and it emphasises the shared meanings of their social interactions. However, the focus on interaction suggests 'exchanges of information among essentially self-contained organisms' (Slife, 2005: 158) and therefore differs, in my opinion, from a relational perspective

which holds that no sense can be made of an individual in isolation, as separate from a nexus or web of relations (Slife, 2005; Smart, 2007).

Relational theories have been developed in sociology (Emirbayer, 1997; Schinkel, 2007) where they owe much to Bourdieu's work in, for example, *The Logic of Practice* (Bourdieu, 1990). They have also been influential in other areas such as psychology (Slife, 2005), political theory (Williams, 2001) and feminist philosophy and research (Gilligan, 1982; Sevenhuijsen, 1991; 1998; Tronto, 1993; Mauthner and Doucet, 1998; 2003; Gilligan et al., 2003). This feminist scholarship has been particularly important for theorising in this study and I shall discuss in detail ethics of care theories developed in feminist thought, later in this chapter since they belong to the debate about rights and care.

Besides relational theory, I also draw on a post-structuralist understanding of language and discourses. Post-structuralism builds on the 'structuralist' linguistic theories of Saussure (1974), who challenged the view that there is a direct and transparent relationship between a word or 'signifier' and its meaning or 'signified'. Saussure (op cit.) argued that language does not *reflect* a given social reality but that language itself *constitutes* that reality. Simply put, he held that there is nothing intrinsic to a word or 'signifier' such as 'child' that gives it its meaning but the relationship *between* words gives rise to a system of meaning.

Post-structuralists, such as Derrida, developed these ideas further. Derrida (1976) challenged the notion that meanings are fixed, arguing that they are constantly 'deferred' in ever-changing social and historical discourses. Thus, language is seen as a site of fluidity and change, and further, of political struggle:

The plurality of language and the impossibility of fixing meanings once and for all are basic principles of poststructuralism. This does not mean that meaning disappears altogether but that any interpretation is at best temporary, specific to the discourse within which it is produced and open to challenge. (Weedon, 1997: 82)

Derrida (1976) maintains that language is founded on 'difference', which makes the meaning of a word possible and produces division and differences. Derrida's deconstruction process challenged accepted universal opposites or *binaries* such as nature /culture, man /woman and adult /child. He saw the meaning of a word as drawn from an absent other. The process of deconstruction aims to show the hierarchy of such oppositions and how discourses achieve their effects. One discourse may dominate since one side of the opposition may be the key concept against which the other is defined negatively. For example, Black may be defined negatively against white. However, Derrida does not regard it as adequate to reverse the oppositions by, for example, reclaiming words such as Black and aiming for more positive interpretations of their meaning. This would merely lead

to a different hierarchy. The aim is to displace the negative term, moving it into the dominant one and create a new term and a new understanding (Grosz, 1990).

Derrida's theories of language and discourse have been important in a wide range of disciplines. Their relevance for this study lies in considering discourses of childhood, as well as those of rights and care. For example, the meaning of the *signifier* 'child' varies between innocent, immature and evil, according to context and is therefore open to challenge and redefinition. Through deconstruction, the social and political implications of the oppositions or binaries of child /adult can be better understood. Similarly, a better understanding of the social and political implications of rights and care can be achieved through consideration of discourses and binaries, as I shall outline later in this chapter.

## **Childhood**

### **Historical views**

Although interest in childhood studies has recently grown, interest in theorising childhood can be traced back as far as Plato who spoke of the lasting importance of impressions made in early childhood (Woodhead, 2006). In the eighteenth century John Locke wrote about children and childhood in many of his philosophical works, sometimes speaking of children as novice reasoners, sometimes as potential citizens and sometimes talking of a child as a 'tabula rasa', a blank slate on which experience is written. This reflects a range of differing perspectives on childhood that persists to this day (Archard, 2004). James and James (2005) argue that more

clarity can be achieved if distinction is made between ‘child’, ‘children’ and ‘childhood’, words that are often used interchangeably in the literature:

In our view ‘childhood’ is the *structural* site that is occupied by ‘children’ as a *collectivity*. And it is within this collective and institutional space of ‘childhood’ as a member of the category ‘children’ that any *individual* ‘child’ comes to exercise his or her unique agency (James and James, 2005: 14).

As an illustration, these authors argue that the term ‘the child’ is used in the UK Children Act 1989, for example, to negate children’s individuality and agency in a way that would not happen in relation to ‘the adult’ but that also happens with other marginalised groups such as ‘the elderly’. This *misuse* of the term leads to problems in application of concepts such as ‘the best interests of *the child*’ (discussed in the following chapter) since this language does not account for children’s uniqueness and diversity.

The French social historian, Phillipe Ariès, has been enormously influential in childhood studies. His *Centuries of Childhood* (English translation) (1962) has been credited with charting the development of the differing meanings of childhood to society in modern Western history (Jenks, 1996; James and Prout, 1997; Thomas, 2000; Lee, 2001; Kehily, 2004). Ariès argued that the separation of the idea of childhood from that of adulthood is a relatively modern development. He

maintained that the concept of childhood did not exist in mediaeval Europe but originated between the fifteenth and eighteenth centuries. He suggested that before that time, although infants up until about the age of seven were seen as vulnerable, after that age children were regarded as miniature adults and not accorded separate consideration. Children were given adult responsibilities for helping with family labour on the land, for example. He claimed that new attitudes of ‘coddling’ (*mignontage* in the original) children began to emerge from the fifteenth century onwards when they began to be regarded as more fragile and in need of special attention that was not required by adults. They became seen as immature individuals, needing discipline and training, and extended education began to be seen as the necessary and proper province of childhood. Education of children spread from the wealthy classes to the middle, and finally, lower classes.

Ariès’ views were largely derived from the representation of children in art. Few children appeared in mediaeval paintings and those who were present were portrayed as miniature adults. Later, more sentimental portrayals, for example of children dressed differently from adults and playing with toys and pets, occurred in the eighteenth century. Many subsequent writers have criticised Ariès’ thesis. He has been accused of reading too much into representations in religious art which was the predominant genre in mediaeval times, and this form of art may not have encompassed wider thinking of the time (Gittins, 2004). Further criticisms suggest that Ariès may be judging former eras by the standards of modern thought, and that former attitudes to children, though differing from the modern, did not necessarily



mean that the idea of childhood did not exist (Archard, 2004). Despite such criticisms, Ariès laid the foundation for further exploration of the socially constructed nature of childhood, a theme to which I shall return later in this chapter.

### **Innocence, protection and control**

Various elements of conceptualising childhood can be traced back to the eighteenth and nineteenth centuries and these served to develop distinct worlds of childhood and adulthood (Hendrick, 1997). The influential writings of Jean-Jacques Rousseau, particularly *Emile* (1762), associated children with nature and natural goodness (Hendrick, op cit). Rousseau emphasised the value of childhood in itself and the detrimental effects of education that did not respect this. The Romantic movement in literature took up this theme of the original innocence of children. The British Romantic poets, such as Wordsworth and Coleridge saw children as innocents gradually corrupted by society (Cunningham, 1995). Wordsworth, for example, in his poem, *Ode: Intimations of Immortality from Recollections of Early Childhood* (1804), wrote:

Heaven lies about us in our infancy!  
Shades of the prison-house begin to close  
Upon the growing Boy.

Such conceptions of childhood as distinct from adulthood led to legislation in the nineteenth century, used prolifically to separate children's and adult's interests.

Most far reaching of these was the legislation about compulsory education which separated children and adults in time and space, when the Forster Act 1870 and the Education Act 1880 introduced mandatory schooling from age five to age ten. Much of the new legislation was protective. As James and James (2004: 21) comment, ‘The later 19<sup>th</sup> century and early 20<sup>th</sup> century positively bristled with all kinds of reforms designed to protect children’. The Factory Act 1833 aimed to protect children from exploitation and the unhealthy conditions of child labour in a newly industrialised society, although other factors were at work here, including the protection of the jobs of adult males (Hendrick, 1997). The 1889 Prevention of Cruelty to Children Act protected children from cruelty in the home and the workplace.

The underlying view of children as innocent and vulnerable could be regarded as a sentimental, but also a charitable one since it advocated that children must be treated with special care for their safety and well-being. Such attitudes persist in current thinking about children, for example in media portrayals of children as innocents needing protection from dangerous adult strangers (Giroux, 2000). However, it could also be seen as a paternalistic perspective, used to justify adult control and interference in children’s lives by alleging that children are too vulnerable to enjoy the same freedoms as adults, for example to use public space in the same way as adults (Mayall, 2002). In the UK children and young people are allowed in playgrounds and school but not in public houses or unaccompanied in other spaces regarded as predominantly for adults, such as restaurants. In social

work, the view of children as innocent and vulnerable can be traced in the continued emphasis on safeguarding children and the recurrent public scandals of child abuse, such as the recent tragic deaths of Victoria Climbié in 2000 and ‘Baby Peter’ in 2007, which I discuss in more detail in the next chapter.

Another piece of protective legislation in the nineteenth century was that around ‘juvenile delinquency’. The Youthful Offenders Act 1854 again served to separate the treatment of children and adults and to protect children from being treated as harshly as adults (Hendrick, 1997). However, it also served to perpetuate the view that children and young people need to be controlled and disciplined. This view persists and can be linked to the Christian religious concept of original sin which promotes the idea of the child as savage or initially evil (Jenks, 1996). It is a view contributing to the fact that in England 2009 a child can be hit by his or her parent in the name of discipline, although no adult can be treated this way without it being regarded as a crime. Contemporary portrayals of young people terrorising elders abound in the newspapers and on television. A ‘control’ perspective is more commonly applied to older children, especially teenagers, and forms a strong element of the English Youth Offending System where incarceration is routine and Anti-Social Behaviour Orders are used to restrict young people’s movements (Frost and Parton, 2009).

## **Immaturity and biology**

From a simplistic point of view, the difference between children and adults is self evident. The physical and mental capabilities of an average one year old child differ in a variety of ways from those of an average eighteen year old. For example, average one year olds have less physical strength, mobility and less developed communication skills. There are basic biological commonalities in childhood as a phase of relatively fast physical and psychological development:

The human brain grows most rapidly during the prenatal period and the first few years of life, reaching 50 per cent mature weight by six months and 90 percent by the age of eight. Children's physical growth is also very rapid during the early years. (Woodhead, 2006: 9)

Charles Darwin has been credited with being the pioneer of scientific childhood studies in the West (Archard, 2004; Prout, 2005; Woodhead, 2006). He made an observational study of his son, William, published later in *Biographical Sketch of the Infant* in 1877, and this interest in child development was shared by other scientists of the time in the Child Study Movement. Darwin related early human infant development to that of other animal species and hence it became evidence for his evolutionary theory. His focus was on 'natural', biological elements of child development such as cognition, communication and motor skills with less emphasis on emotional development. Nevertheless, Sigmund Freud and other psychological theorists were influenced by Darwin's writings.

Biological theories about childhood have had practical implications for health and social care. For example, Sheridan's developmental charts have been used by health visitors to check whether there are problems in children's development that may require medical intervention. The expectations for a one year old include: 'Sits well and for indefinite time' and 'Walks round furniture, stepping sideways' (Sheridan, 1997). However, recent critics of this focus on biological elements of childhood point out that the physical differences between children and adults are relative and changeable (Archard, 2004; James and James, 2004). For example, the onset of puberty in both boys and girls in modern Western cultures has become increasingly earlier over the last hundred years (Archard, 2004). There are also major cultural differences in children's experiences and relationships that affect their development (James and James, 2004).

### **Psychological/ developmental theories**

One of the major and most influential ways of conceptualising childhood has been through psychological theory. Many summaries of childhood studies cite in particular the influence of Piaget (Jenks, 1996; 2004; Prout and James, 1997; Thomas, 2000; Lee, 2001). Piaget's (1955) developmental psychology model portrays childhood as a series of stages resulting in adulthood as the goal. Through research that involved detailed observation and questioning, he attempted to understand how children made sense of the world. He concluded that children go through a series of distinct stages in learning to conceptualise. He maintained that, firstly, they experience the world through movement and their senses and learn

‘object permanence’. They then go on through the acquisition of motor skills to logical thinking and finally to the development of abstract thought. Piaget’s work has been widely used in child health, education and social care to gauge an individual’s cognitive development against the ‘norm’. For example, his work is still used in tests for children with a learning disability (Colle et al., 2006) and as a basis for testing school children’s understanding of applied mathematical concepts such as volume (Shayer et al., 2007).

Despite their wide and ongoing influence, there have been many critics of Piaget’s theories. Archard (2004), for example, suggests that Piaget’s delineation of distinct stages of child development is inaccurate and that children may reach these stages at different rates or not at all. Others have argued that Piaget gave too little emphasis to the social and cultural elements in children’s experience. Vygotsky (1962), for example, claimed that cognition could not be separated from the conditions and interactions of life as a child grows. This argument has been developed in the more recent thinking of social constructionist theories, as discussed in detail below (Jenks, 1996; James and Prout, 1997). A similar criticism is that Piaget’s ideal of cognitive competence is a particularly Western model that adheres closely to the principles of Western philosophical logic and therefore has a limited application (Archard, 2004).

An issue that is particularly salient for this study is raised by Lee (2001). He argues that Piaget’s view of children as incomplete beings on the road to adult

completeness is a misconception of adulthood. Adulthood, he claims, is itself a *process* rather than an ideal state and we never reach a ‘complete’ state. I shall return to this argument in more detail later in the chapter as it has important implications for children’s rights debates.

Other psychological theories such as those of Freud on psycho-sexual development, Skinner on learning theory and Bowlby on attachment have also served to frame modern thinking about children and childhood. The theories of Freud and Bowlby remain particularly influential in some areas of health and social care such as child psychology and psychotherapy (Gabbard et al., 2005; Howe, 2005). In common with Piaget, Freud saw childhood as a series of stages on the road to mature adulthood, although his emphasis was on emotional rather than cognitive development. Freud maintained that there were stages of childhood which, if not successfully resolved, could lead to personality problems in adulthood. For example, children who do not successfully negotiate the ‘oral’ stage in early feeding will go on to develop an ‘oral’ personality in adulthood. Freud’s theories are still very influential in therapeutic work with children and adults but ‘descendants’ of his work have modified or refined some of his more contentious theories, for example those about Oedipus and Elektra complexes. Bowlby’s (1969 and 1973) theories about attachment have a similar theme about successful negotiation of early stages of development. Adherents of attachment theory regard the quality of the early interaction between the primary carer (usually characterised as the mother) and the infant as having a lifelong influence. They argue that carers

who are unresponsive or abusive will cause insecure attachments that damage children's future well being and relationships (Ainsworth et al., 1978; Howe et al., 1999). More recently, attachment theory has been further explored within the field of neuroscience where it has provided evidence that these early infant experiences can affect brain development (Gerhardt, 2004; Stewart-Brown, 2008), hence blurring the psychological/ biological divide.

Like those of Piaget, the theories of Freud and Bowlby have also been criticised for their lack of cultural context and their lack of analysis of the effects of society's structures and power relationships (Walkerdine, 2004), as well as their view of adulthood as an ideal state or goal (Lee, 2001). Both biological and psychological theories emphasise children and young people's immaturity and lack of competence, and their influence underpins many current Western social structures including the educational and legal systems. A large proportion of social work theory and practice with children and young people is based on psychological theories. For example, an appeal to psychological knowledge of child development is a feature of much of the literature associated with the Framework for Assessment of Children in Need and their Families (Department of Health, 2000) which is the cornerstone of social work assessments of children and young people. Although this is set in an ecological context, guidance on the 'Framework' says the following about assessments of children: 'the criteria for defining their needs is clearly developmental, grounded in psychological literature' (Seden, 2001: 58).



### **Challenges to the orthodoxy: sociological and cultural theories**

Sociological theories have long been concerned with the development of children through ‘socialisation’ which was described by Talcott Parsons as ‘the internalization of the culture of the society into which the child is born’ (Parsons, 1956: 17). From this perspective, children are seen as becoming gradually informed of social conventions and moral values by parents and other adults. Although these may differ in different cultures, the process of internalising these conventions and values is similar, according to Parsons, in every culture. Other socialisation theorists, including the ‘Chicago school’, emphasise the role of social interaction in the socialisation process in becoming a member of the group (Jenks, 2004). Parsons has been criticised for exaggerating society’s consensus about the values and conventions of society (Wrong, 1961), and the theories are open to the same criticisms as child development theories in seeing the aim of childhood as attaining a perfect adulthood (Lee, 2001). Jenks (2004: 88) claims that socialisation theories ‘have little or no time for children’, being preoccupied with sociology of the family rather than children themselves.

Towards the end of the twentieth century, theories about the ‘socially constructed’ nature of childhood began to be developed. As previously noted, Ariès has been credited with being a major influence in this development which could be viewed as a backlash against orthodox positivist ideas in psychology and sociology (Jenks, 2004). Pioneers of social constructionist theories of childhood include Jenks (1982), James and Prout (1990) and Stainton Rogers et al.(1991). Jenks (1982)

argues that childhood is not a natural phenomenon and that the identification of childhood in certain age stages is an arbitrary separation of childhood and adulthood.

Prout and James (1997: 8-9) explain the key features of their 'paradigm' which challenges orthodox views of childhood. In summary, it emphasises the diversity of children and childhoods. It regards children as individuals with differing experiences, and childhood, not as a natural and universal entity, but as a structural, cultural component of societies. The paradigm sees childhood as a 'variable of social analysis', together with class, gender or ethnicity. Children's cultures and relationships are regarded as worthy of particular study, not just in relation to adults. The paradigm also maintains that children should be seen as active rather than passive in producing sociological research data. At its extreme, social constructionist proponents regard childhood

as an elaborate and very powerful adult myth, a series of stories and accounts that locates children as subordinate figures in society. (Wyness, 2006: 26)

The social constructionist view of childhood emphasises the diversity of children's experiences in different historical eras as discussed above (Ariés, 1962; Hendrick, 1997). It also considers the impact of geographical and cultural differences. Scandinavian and North European studies, in particular, have highlighted the lived

experiences of children and ways in which their lives are structured by adults who dictate times and places that children inhabit, such as school, playgrounds and bedtimes (Ennew, 1994; Solberg, 1997). Qvortrup (1994; 1997) claims that children are marginalised and rendered invisible because of their omission from much social research, including some official statistical data. He maintains that the focus of such research on the adult based categories of income, education and social status, for example, ignores children's particular life situations as separate from their families and means that they are missing 'as a separate social entity' in their own right (Qvortrup, 1997: 89). Whilst this view is helpful in raising awareness of children's issues, it does not take account of the wealth of data that are collected about children and young people. Furthermore, Qvortrup's view of children as separate social entities conflicts with a relational view of children and young people (Smart et al., 2001; Arneil, 2002) that I shall discuss further below.

Amongst others, Alanen (1994), Mayall (2002) and Archard (2004) point out the parallels in arguments about the social construction of childhood with debates about 'gender', also seen as a social construct in second-wave feminist theory. Whereas 'sex' is seen as a biological given, gender is seen as a concept that sets the boundaries of women's existence. Similarly, it is argued, children are limited by the definitions made by adults. Mayall (2002) argues for a child 'standpoint' theory based on feminist standpoint theory, to look at the world from children's points of view, and attempting to understand children and young people's perspectives has been increasingly important in research (Corsaro, 1985; Alderson, 2000).

Recent sociological theories about children have integrated ideas from post-structuralist theory, as discussed earlier, and have brought this analysis to the concept of childhood (Jenks 1996; James and Prout, 1997; Lee, 2001). They reflect thinking that the meaning of the words, 'child' and 'childhood' are not fixed but are socially produced and subject to change:

The archetype of the child is sustained in language and in the discourses of the professions, the institutions and the specialisms which serve to patrol the boundaries marked out around childhood as a social status. (Jenks, 1996: 12)

They also argue that the binary divisions of child and adult, maturity and immaturity, for example, are used to exclude young people from determining their lives (James and Prout, 1997; James et al., 1998). This argument has led to the call for children to have greater rights and to be regarded as not incomplete but as *beings* and 'social actors' in their own right in the same way that adults are viewed.

### **Being and becoming**

Several theorists now question this notion of children as *beings* (Lee, 2001; Archard, 2004; Walkerdine, 2004; Prout, 2005). They agree that the distinction implied between adults as complete *beings* and children as incomplete *becomings* is false or at least exaggerated. However, they argue that the assumption that even adults will achieve a state of absolute being is also false. Lee (2001) maintains that

the nature of adulthood has changed such that it is now fluid and flexible rather than stable and fixed. For example, people can no longer expect to remain in a job for life. It is expected that adults will need to continue to learn new skills throughout life in order to adapt to changing work demands and technologies. On a personal level, they are more likely to have to adapt to changes of community and of personal partnerships. Lee (op cit.) summarises this state of affairs as follows:

As adulthood is led into flexibility by socio-economic and cultural change across the globe, it is clear that stable, complete standard adulthood can no longer be presumed to exist. (Lee, 2001: 19)

Lee (op cit.) argues that the nature of childhood has also changed and has become ambiguous since the introduction of media technology has given children economic power. He maintains that the media have exposed children to market choices, hence they have become consumers, strongly influencing adults' purchasing decisions through 'pester power' (Lee, op cit.: 75). Adult authority no longer holds in schools or in the family when children have access to adult knowledge through television and the internet. As noted earlier, he claims that accepted theories of child development (Piaget, 1955) and of socialisation (Parsons, 1951) assume a progression to an adult completeness that does not exist. Lee (op cit.) uses ideas from Derrida (1976) and from Deleuze and Guattari (1988) to support the argument that 'unlimited becoming' is best suited to describe the condition of all persons in modern society, including children, and that we are all: 'fundamentally dependent

and incomplete' (Lee, op cit.: 103). All humans depend on extension of their powers and supplementation through the assistance of tools, animals and other humans, for example. This notion that dependency is a universal human state is also a feature of relational theories, as expressed in an ethic of care perspective, discussed in detail below (Tronto, 1993; Sevenhuijsen, 1998). Lee (2001: 121) concludes that we ought to concentrate less on what children *are* but 'pay more attention to what children may *become* [my emphasis] in changing contexts of extension and supplementation.'

## **Children's rights**

Children's rights theory and practice is based on a broader understanding and interpretation of general theories about rights. Many rights theorists acknowledge the force and compelling nature of 'rights talk'. Freedman, (1991: 1) for example, wondered, 'why is "a right" such an attractive term?' and Dworkin (1978: 165) spoke of rights as 'moral trump cards'. One reason for the force of 'rights talk' in Western societies is that human rights, usually construed in former centuries as able bodied white men's rights, have been regarded as natural or self-evident. The 1776 Declaration of Independence of the United States stated:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of happiness.

MacIntyre (1984: 69), however, took an extreme opposite view and described rights as moral fictions, saying, 'There is no [human] right and belief in them is one with belief in witches and unicorns'. Clearly, views about rights are complex and controversial. Brown (1995) evokes some of the complexities and contradictions of rights as a concept:

Rights as boundary, and as access; rights as markers of power; and as masking lack; rights as claims; and protection; rights as organization of social space, and as a defence against incursion; rights as articulation and mystification; rights as disciplinary and antidisiplinary; rights as marks of one's humanity, and as reduction of one's humanity; rights as expression of desire, and as foreclosure of desire. (Brown, op cit.: 97)

Notions of who should have rights shift over time, and can be used by the powerful to exclude the less powerful including, for example, children, women and minority ethnic groups (King, 1981; Brown, 1995; Taylor, 1996). One of the main arguments against rights based discourse, which appears in a variety of guises, is that it encourages atomism and individualism as against relatedness and collectivism. Such arguments have a long history. Karl Marx (cited in McLellan, 1971) expressed negative views about rights declarations:

None of the so-called rights of man goes beyond egoistic man, man as he is in civil society, namely an individual withdrawn behind his private

interests and whims and separated from the community. (McLellan, op cit.: 104)

More recently, Communitarian theorists, who have been an influential force in New Labour thinking in the UK, have argued against a rights based society where each individual is out for his or her own gain and willing to use litigation to achieve this (Etzioni, 1993). Such writers have expressed the belief that an emphasis on rights serves to reinforce people's disaffection from their community and that it fosters irresponsible attitudes.

I would argue that debates about rights belong to a wider moral debate and cannot be free from the value dilemmas that adhere to all moral decisions. In the end, as Jones (1994: 96) points out: 'all moral positions must take a stand on something'. This study explores some of the value dilemmas inherent in putting rights principles into practice.

Similar complexities exist in the theories about *children's* rights. In a similar way, some children's rights literature and policy regards children's rights as self evident (Lansdown, 2001; Department of Health, 2002; Franklin, 2002). Other commentators have argued against children having rights altogether (Heartfield, 1993; Cooper, 1998). The idea of children having certain rights, such as autonomy rights, remains especially controversial (Franklin, 1995).



### **Protectionist and liberationist views**

Children's rights can be divided into the categories of provision, protection and autonomy or participation rights (Wringe, 1996; Van Bueren, 1995; Arneil, 2002) which are reflected in the Articles of the United Nations Convention on the Rights of the Child (UNCRC)(1989), discussed further in the next chapter. Much of the debate concerning children's rights focuses on the differences between the rights normally afforded to children by responsible adults, those of provision and protection, such as the right to health and to protection from abuse and violence, and those rights identified as *civil* or autonomy rights such as the right to participate in decision-making. Whilst the first two rights of provision and protection are largely uncontentious, children's autonomy rights are the subject of more dispute.

Clearly, a newborn child requires care and protection, and most adults would argue that older children need nurture and need to be protected from abuse and exploitation. A *protectionist* model of children's rights prevailed until the late twentieth century and is often regarded as paternalistic (James and Prout, 1997; Kelly, 2005). This model relates to views, considered above, of children as innocent and immature. It justifies adult control and interference in children's lives by alleging that children are not rational, not capable of making their own decisions, liable to make mistakes and vulnerable (Clifton and Hodgson, 1997; Archard, 2004). Historically, children were viewed as the property of their parents who acted as 'trustees' of their interests, choosing for them from the standpoint of the adult that the child will later become, in the expectation that they will

understand, when mature, that these decisions made on their behalf were right (Archard, 2004). An often cited example is that of children being allowed to choose whether or not to be educated (Freeman, 1983). It is expected that children will later thank their parents for insisting on their attending school and not allowing them to truant. However, a protectionist model denies children any agency or any voice in their lives and it 'abandons children to adults' (Kelly, 2005: 378). Not all adults have children's interests at heart and they may be vulnerable wherever they are looked after. The prevalence of abuse and neglect by birth parents as well as by substitute carers is well documented.

The *liberationist* view of children's rights challenges the protectionist perspective and advocates an extreme position of children's rights. In line with other marginalised or minority groups championed in the 1970s, such as women and black people, children were regarded as an oppressed group. Farson (1974) and Holt (1975) advocated that children should have the same rights, privileges and responsibilities as adults if they so wished. This included the right to vote, to live away from home and to manage their own education at whatever age. They argued that the segregated world of children and adults is discriminatory. Although they did not argue that children should be denied the right to be protected and nurtured, they maintained that it should be adults and not children who should concern themselves about these matters.

Later children's rights proponents such as Ennew (1994) and Qvortrup (1994) concur with liberationist arguments about the oppressive segregation of children but they do not advocate an extreme position in relation to autonomy rights, such as that of choosing to live away from home at any age. Similarly, social constructionist theories, as discussed above, regard the clear distinction between childhood and adulthood as a societal myth but they do not conclude that full liberation of children is a necessary consequence of this (Jenks, 1982; James and Prout, 1990; Stainton Rogers et al., 1991). James and Prout (1997) question the withholding of rights from children on the grounds of age and immaturity. They suggest that young people are beings independent enough to express their views and so be accorded participatory rights and be respected as 'social actors'. They identify children as competent and able to learn, and deem it unfair to deny a child the opportunity to participate in decisions about their future.

### **Children's citizenship, participation and capacity**

One of the most debated aspects of children's rights is whether they should be regarded as 'citizens' in the same way as adults. In traditional liberal theory children are not regarded as citizens but as *potential* citizens (Lister, 2003). Education and welfare provisions for children commencing in the nineteenth century set children apart from adults, and adults were able to control children's social space. According to James and James (2004: 36) this helped adults to 'disable and disenfranchise children as citizens'. Children's lack of economic

independence also seriously inhibits their participation in society and their being taken seriously as equal citizens (Qvortrup, 1994; Alderson, 2008).

In the UK, despite the creation of the Children and Young Persons Unit and the appointment of a Commissioner for Children in England in 2005 (discussed in more detail in the next chapter), children's real influence is minimal and these developments have offered only a weakened alternative of listening to children's views. Current government policies regard children as citizens-in-the-making in terms of their potential as future *workers*, rather than as participants in the state (Lister, 2003). Many commentators see citizenship as encapsulated in the right to vote but do not see this as a necessary or desirable right for children (Roche, 1999; Archard, 2004). They advocate instead a more limited but positive participation in public affairs (Roche, 1999; Franklin, 2002; Archard; 2004).

Most relevant to this study are issues about individual young people's participation in decisions that affect them and I discuss the practice of participation in relation to social work and advocacy in the next chapter. Theories about children's participation have been dominated by Hart's (1992) adaptation of Arnstein's (1969) 'ladder' outlining various degrees of citizen participation. Hart's (op cit.) model charts participation through eight 'rungs' of the ladder starting with a very minimal level, characterised by adults' 'manipulation' of children for their own ends, through a tokenistic level, then a level where children are consulted and informed, up to the highest level of participation which is characterised as 'child-initiated,

shared decisions with adults'. A fundamental issue for autonomy and participation rights is how far children can be self-determining and this is commonly seen as being based on children's competence or capacity (Thomas, 2000; Archard, 2004; Wyness, 2006). There are ongoing debates around when childhood begins and ends and how to judge maturity and rationality.

I discuss the legal and policy aspects of children and young people's competence and capacity in the following chapter in terms of legal precedents, the Children Act 1989 and the UN Convention on the Rights of the Child. Despite all these, it remains unclear at what age a child or young person should be regarded as competent. The allocation of rights at one particular age rather than another can be seen as arbitrary if one considers the different ages in the UK for voting (18), joining the armed forces or getting married (16), getting a part time job (13) and being criminally responsible (10). The question is whether competence correlates to any degree with age. There is a strong argument against the position of 'lumping' all children together in terms of competence. Archard (2004) argues that not *all* children are capable of self-determination but insists that it is wrong to deny the self-determination of older children in particular. He suggests that a notion of *rational autonomy* based on rationality, maturity and independence could be used to determine this. However, given the variability of young people and indeed adults, assessment of competence is problematic and contentious.

As noted above, many commentators point out that adults could equally be judged competent or incompetent and it is unfair to young people to differentiate (James and Prout, 1997; James et al., 1998; Lee, 2001). Not all adults are rational and wise and they make mistaken choices and decisions, yet they are still afforded rights denied to children and are permitted the freedom to choose. However, these arguments can usefully be turned on their head to question what *adults* need to do to enable children's participation, rather than assessing competence according to age (Woodhead, 2006). Cockburn (2007: 454) argues that to enable young people to participate, public and political spaces which are not child-friendly need to change 'to accommodate the everyday worlds of children, young people and other often neglected adults'.

### **Children in families/ conflicts of interest**

One of the difficulties that adults have in accepting children's rights and autonomy is that they sometimes see these as being in direct opposition to adults' rights and, some argue, may undermine family relationships (Wardle, 1996). Some commentators maintain, for example, that any claim on behalf of children will infringe that of the carer or parent (Heartfield, 1993). However, a contrary argument is that for a child to have a right does not necessarily deny their parent a right. Rights are not an 'all-or-nothing' matter. For example, if 16 year olds were allowed to vote this would not deny adults a vote. A more complex case is argued by Cooper (1998). Stated simply, this argument maintains that children's and adults' lives are so closely entwined that a *rights* stance is counterproductive and

tends to lead to an unhelpful polarisation of views and to unnecessary litigation.

Cooper (op cit.: 83) argues that what is needed more is ‘flexibility, consultation and negotiation’ within families.

Lee (2005) hypothesises that the anxieties and resistance to children’s rights by many adults stem from archetypal ideas of children as possessions. He talks about parents experiencing their relationship with children as a kind of separation anxiety. Whereas children’s rights proponents emphasise that children are individuals in their own right, Lee (op cit.) alleges that many parents have an ambivalent attitude to this. He proposes the concept of ‘separability’, defined as the ‘possibility of children’s temporary and partial separation’ (Lee, op cit.: 37) rather than actual separateness of children and sees this as a key to valuing children without undermining adult-child relations. He maintains that if children can be regarded in this new light, then the rights of children would be seen by adults as less of a threat.

## **Advocacy**

Advocacy can be seen as an instrument to progress children and young people’s rights and citizenship. In recognition that societies oppress and marginalise certain groups, including children and young people, it can be used to ‘redress power imbalances’ (Braye and Preston-Shoot, 1995: 139), since without such initiatives changes in the balance of power are unlikely. Although, as noted in the Introduction, there are various different kinds of advocacy such as *citizen*, *peer* or *self-advocacy*, more suited to other marginalised groups (Henderson and Pochin,

2001; Boylan and Dalrymple, 2009), *professional* advocacy, the subject of this study, is the usual model with children and young people, and that most favoured by young people themselves (Boylan and Ing, 2005; Dalrymple, 2005).

As explored further in the next chapter, professional advocacy involves trying to empower young people and promote their participation in decision making (CROA/ Local Government Association, 1998). Advocacy also aims to represent young people by adhering to rights principles, which include ‘voicing’ their wishes and feelings, without referring to other people’s views or making judgments about what might be in their best interests (Department of Health, 2002). Children’s rights proponents have seen it as imperative that advocates act in this way, so that they do not reproduce the old power relations, often seen as paternalistic, between care professionals and young people. However, as I discuss further below, some of these rights principles are criticised by ethics of care proponents on the grounds that they assume that all people are autonomous and able to act independently of those around them, and that the principles do not take account of the context of people’s lives and their relationships (Tronto, 1993; Sevenhuijsen, 1998).

## **Care**

The concept of care is an important element of social work. Like the concept of rights, it encompasses a range of meanings, theories and practices and has a long and contentious history. Whereas providing and receiving care was long regarded



as the subject of private, domestic concern, this view has been challenged to highlight its centrality to all in both public and private life.

### **Ethics of care and rights**

Feminist writers challenged the dominant discourse of rights that prevailed in philosophy and psychology about morality in the late twentieth century. These feminist writers such as Gilligan (1982), Tronto (1993) and Sevenhuijsen (1998) advocate a rethinking of moral language based on a relational 'ethics of care' theory. They argue that morality cannot be confined to considerations of rights and rules but needs to take account of human relationship and context. Traditional 'Western' philosophy as expounded by Kant, Locke and Bentham, for example, bases morality around a human being who is a separate, autonomous agent with power to choose *his* moral course independently. The texts indicate that this human being is a white adult male educated in the Western cultural tradition, able-bodied and not living in poverty. Ethics of care proponents maintain that a morality based solely on rights fails to recognise that we are not all autonomous, independent beings, unrelated to others in our moral decision making. Whereas a morality based on rights considers the independence and agency of an individual in decision making, an ethic of care emphasises people's *interdependence* and the context of moral decisions.

Gilligan's (1982) research challenged the prevailing psychological view about the development of moral thinking from childhood to adulthood. She found that the

accepted views of moral development promulgated by the psychologist, Kohlberg (1981), following a tradition based on the theories of Freud and Erikson (1950), did not reflect the moral development of women. Previous studies were based on men's moral development as the norm, and women's development had been regarded as incomplete as a consequence of this bias. The norm had been accepted as a move from dependence towards an ideal adult state of separation and individuation.

In several studies, including one on women's views of abortion, Gilligan (op cit.) found that women's accounts of their moral decision making were based on context, connection with others, interdependence and relationship. In contrast, men's moral judgments were found to be based on abstract concepts of rights and rules:

This conception of morality as concerned with the activity of care centers [*sic*] moral development around the understanding of responsibility and relationships, just as the conception of morality as fairness ties moral development to the understanding of rights and rules. (Gilligan, 1982: 19)

There have been criticisms of Gilligan's research and her conclusions, both from feminist writers and others. There are concerns that her views and those of other ethics of care theorists such as Noddings (1984) are essentialist (Lister, 1997; Hughes, 2002b) since their arguments were based on the conditions of women's lives, such as experiences of mothering, which are conflated with women's essential nature. It was feared that this could undo the progress made by women in

moving away from stereotypically caring roles. Hughes (2002b) points out that ‘care’ can be a seductive concept as women may feel good about caring but it can also be oppressive as women may be locked into caring roles. Gilligan’s (1998) later work distinguishes between a *feminine* and a *feminist* ethic of care, explaining that a feminine ethic accepts the patriarchal social order where the ideal state is seen as a separate autonomous self, whilst the feminist ethic ‘begins with connections’ and exposes the concept of autonomy as a false interpretation of human life (Gilligan, op cit.: 342).

Later ethics of care theorists such as Tronto (1993), Lister (1997) and Sevenhuijsen (1991; 1998) argued against a simple association of gender and care ethics. They also argued that rights should not be abandoned but that an ethic of care should be central to thinking about morality and further, that the binary oppositions of care and rights should be avoided. Tronto (1993) describes care as an activity that is devalued in dominant political and social discourses and sidelined to the private and personal sphere of lives. Even where caring is a paid activity it attracts low pay and low status. Tronto (op cit.) offers a deconstruction of the concept of care through examining four phases of care: *caring about*, *taking care of*, *care giving* and *care receiving*, and she illustrates how differences in value are accorded within each. For example, *caring about* public issues such as world poverty is within the realm of the most powerful and is accorded a high value whereas caring about one’s own children is given a lesser value. Equally, *taking care of* people’s needs in

the public sphere by addressing state benefits, for example, is more prestigious than taking care of the family through housework.

Tronto (op cit.) argues that those most powerless are thus omitted from central concerns of morality and that moral boundaries should be expanded to include an ethic of care to help address this. She suggests four major elements in this care ethic which I summarise as follows:

*Attentiveness*: involves being aware of and comprehending the needs of others and our own.

*Responsibility*: is often conceived of as acting to meet our obligations, but in a care ethic it involves more interpretation and flexibility than merely following formal rules.

*Competence*: consists of care giving and doing this effectively.

*Responsiveness*: entails awareness of vulnerability in care, and engaging from the standpoint of the care-receiver.

Other care ethicists debate this analysis and add to it. Diller (1996), for example, offers a similar framework, emphasising a basic ontological position of relationality with a focus on the particular rather than the universal. She introduces the concept of *engrossment* which she explains in terms of accepting others' views and feelings as one's own. However, contrary to the views of Tronto (1993) and Sevenhuijsen (1998), who argue against the opposition of rights and care, she argues that there

should be a shift from an ethic of rights and that caring should come *first*. Williams (1993) considers the practices of care in terms of everyday experiences, the sites in which care is practiced and the *struggles* and *dilemmas* of care, importantly emphasising that care is not unproblematic but raises a range of conflicts and constraints. Those who give care may be ambivalent and experience this as restricting their lives in a variety of ways, for example limiting their choices in employment or their leisure pursuits (Fine and Glendinning, 2005). Those who receive care may resent their lack of independence and wish for more control of their daily lives. Morris (1997), for example, argues that ‘care’ is a misnomer and can be used to oppress and control disabled people who need to achieve more autonomy. Those who receive care may also feel a ‘burden of gratitude’ (Begum, 1990).

### **Ethics of care and children**

Few theorists have considered how an ethic of care might be applied to *children* and their rights. Arneil (2002), Kelly (2005) and Smart et al. (2001) have debated its application mainly in relation to children’s situations in family law. These authors all point out the limitation of a rights model for children which portrays them as a set of individuals who have separate interests and therefore separate rights. Arneil (2002), for example, emphasises the dependence of children on their relationships with care-givers for care and affection, including where there may be family breakdown. Similarly, Kelly (2005: 389) maintains that an ethic of care applied to children recognises that they are ‘enmeshed in a complex web of

relationships'. This was illustrated in research by Smart et al. (2001) with children of divorce which found that the children talked about their families in terms of the *quality* of their family relationships rather than family structures, and they spoke in the 'language of care'(Smart et al., op cit.: 386). An ethic of care values connectedness and relations between people and consideration of their actual situations, and this emphasis could avoid a damaging adversarial system in family law (Smart and Neale, 1999; Arneil, 2002).

Other advantages of a care ethic in relation to children are that it would require adults to focus more on their own responsibilities and obligations to children rather than on rights and rules (O'Neill, 1988; Arneil, 2002). It would also highlight the importance of the activity of *care-giving* which needs to be taken seriously by society and not just seen as the province of the private and the personal (Arneil, 2002; Kelly, 2005).

Nevertheless, most commentators do not advocate the complete abandonment of rights in relation to children but regard them as insufficient. Arneil (2002) points out the usefulness of rights in terms of Dworkin's (1978) 'moral trump cards', noted above. Similarly, Cockburn (2005: 85) maintains that, although ethics of care theory has successfully argued against the 'modernist notion of abstract and universal rights', rights discourses are still useful as a *strategy* to further children's interests. There are concerns that sole reliance on a care ethic could leave children more open to exploitation and abuse (Houston, 1992). Another reason for retaining

rights relates to concerns that carers' interests may prevail over those cared for. In relation to this point, it should be recognised that large numbers of young people are carers themselves as well as cared *for* (Becker et al., 1998). Cockburn (2005) argues that an ethic of care is particularly useful in being able to accommodate the diverse life experiences of young people, including young carers.

Drawing on the above arguments, a model for children's rights that incorporates an ethic of care would continue to place children and young people at the centre of their worlds but would not assume they are autonomous individuals. This model would attach weight to:

- Relationality: Children's relationships, especially with family and other care-givers are vitally important to them, although it needs to be taken into account that some of these relationships will not be positive and could be abusive.
- The importance of care and care-giving for children and young people. This means highlighting these activities as an important public duty, not restricting them to the private and personal sphere.
- Connectedness and context. This entails seeing children as individuals who are also part of a whole.
- *Actuality* rather than principles. The diversity of children's lives needs to be taken into account and their individuality and agency.

One of the aims of this study is to test out the application of a care ethic in the *practice* of children's rights and social work since there has been little but theoretical debate on the issue.

### **Care and dependence**

Ethics of care theories maintain that rights discourse depends on a fiction of autonomy which few in society enjoy. They also help to highlight the dominant discourses in society that portray certain groups as 'naturally' dependent with limited and circumscribed choices and opportunities. They deny the possibility and validity of absolute independence for any human being and maintain that the fact of *interdependence* needs to be acknowledged by all before a fuller morality can be achieved. Interdependence in this view is regarded as a necessary condition of human existence.

If we acknowledge that all people need care in their lives, the identification of certain groups as dependent can be seen more clearly as a distortion. Tronto (1993) argues that the caring that able-bodied men receive is commonly not regarded as rendering them dependent but is seen as being of a different (higher) order than the caring received by children, the infirm and so on. The cooking, cleaning and washing performed for most able bodied men is usually carried out by people with less power and status and is consequently seen as trivial or not seen at all.



Conversely, dominant discourses have portrayed women as dependent throughout the centuries (Lewis, 1983). They have been compared negatively to men as the norm and have been impeded from obtaining education and employment, hence economic power, as well as being physically and psychologically intimidated by men. They have also been deemed in many past and current societies to lack the intelligence and morality to exercise freedoms such as voting rights. Lister (1997) emphasises the role of economic independence in this debate, an important factor which has furthered the cause of women's citizenship in modern Western societies.

Similarly, disabled people have been regarded as naturally dependent victims, incapable of making decisions because of their disability, whatever the nature of this. They have been prevented from accessing a range of benefits including education, employment and leisure, both by physical obstacles and by oppressive attitudes (Oliver and Barnes, 1998). Their need for care has been portrayed as a weakness that limits their agency in 'normal' citizenship. Women's and disability rights proponents have argued for equal rights, and gains for both groups have been hard won. Because of this, there have been concerns that the application of an ethic of care might damage their cause since independence, rather than *interdependence* has traditionally been seen as a goal. Morris (2001), for example, maintains that adopting an ethic of care risks disabled people losing their human and civil rights, and she prefers to give primacy to rights in order to safeguard individuals from exploitation or abuse from caregivers. There have also been concerns that the emphasis on carers can undermine and marginalise the situation of the receiver of

care (Warnes, 1993) As Shakespeare (2000: 56) notes, 'we seldom hear from the person who is cared for in the literature on caring'. He proposes a compromise, arguing that an ethic of rights could be usefully applied to the social relationships of care, thus foregrounding the relationships of care needed, but ensuring that disabled people's rights are not neglected.

Children are also widely regarded as 'naturally' dependent. An ethic of care applied to children highlights the fact that they are like other individuals in society in needing care. Like all others they are not fully autonomous and independent. They are *interdependent*. However, discussions about caring for children differ from those in other caring debates in that children are often assumed not to be a burden, nor to be the focus of any ambivalence about the caring role. Whilst it is widely acknowledged that caring for children still remains primarily the province of women, it is seldom noted that women may be ambivalent about mothering (Featherstone, 1999).

The concepts of care and caring have been most articulated in social work in relation to caring for disabled and older people (Barnes, 2006; Lloyd, 2006; Phillips, 2007) The burdens and exploitations of women as paid and unpaid carers (Finch and Groves, 1983; Fine and Glendinning, 2005) and of children as carers (Becker et al., 1998) have also been an important focus. State systems in Western society, such as health and social care, operate from the assumption that care of children and young people should happen naturally in families as a consequence of

parents' sense of love, duty and responsibility for their offspring. Health professionals may give some guidance to parents but the basic ability and the motivation to care is assumed. Consequently, parents who do not care for children adequately are often seen as unnatural or deviant. Children and young people as subjects of care or substitute care, like those in this study, have to rely on a caring disposition in those who are responsible for their care but, as evidenced by the study findings, this cannot be taken for granted. The following chapter will consider a currently neglected aspect of caring, that by social workers (Parton, 2003; Lloyd, 2006). As I shall outline, care is conspicuous by its absence from current social work debates.

## **Summary**

This chapter has considered debates about childhood, rights and care and has looked at these from a relational point of view. It has highlighted a range of views about children and young people and the contested nature of discourses of rights and care. I have argued that a polarisation of views is unhelpful and that neither concept, 'rights' or 'care' should be abandoned, but rather both integrated into an understanding of children and young people's lives.

The next chapter's main focus will be to consider the concepts of care and rights in legislation, policy and practice in social work and rights work with children and young people. This acts as an important context and background to the study and provides a rationale for the aims of the research set out in the Introduction.

## **CHAPTER 2: SOCIAL WORK AND ADVOCACY WITH CHILDREN AND YOUNG PEOPLE: LAW, POLICY AND PRACTICE**

In this chapter, I consider the law, policy and practice background to social work and advocacy services for children and young people in the United Kingdom over the latter part of the twentieth century and the beginning of the twenty first century, with particular emphasis on children ‘looked after’ and children ‘in need’ who are the subjects of this study. In theory, social work is the professional embodiment of a welfare or care concept, and children’s advocacy an embodiment of rights. My aim is to examine the interplay of the concepts of rights and care throughout the development of these services, although clearly there are other important concepts at work such as that of risk. The chapter will consider briefly the development of welfare services and the changes in their ethos over this period since these serve as an important background to the different strands of rights and care in services for children and young people. It will then trace significant developments in law and policy: the rise of children’s rights in international and national law, the impact of the Children Act 1989, and more recent developments of law and policy in social work and advocacy services for children and young people. Finally, it discusses current practice issues common to social work and advocacy that are particularly relevant to this study, and the existing research about these, highlighting the gaps in this research that have led to the aims of my study, detailed in the Introduction.

## **Development of welfare and rights**

### **The rise of welfare**

The history of welfare provision in Britain has been characterised by a tension between ideas of individualism and collectivism (Barry, 1999), a tension also reflected in the concurrent debates about care and rights. Until the nineteenth century, principles of individual rights and freedom, discussed by seventeenth century philosophers such as Locke, perpetuated a laissez-faire view of welfare. This was a view of people as self-determining individuals responsible for their own fate and the state as a potentially irritating source of interference. Of course ‘people’ in this sense did not include children who, until the nineteenth century, were not regarded by the state as separate from their parents in terms of their needs or rights (Hendrick, 1997).

Social commentators began to question the principles of individual freedom and a laissez-faire state in the nineteenth century, as more people congregated in cities to work collectively in factories. It became increasingly apparent that the misfortunes of the working class were not necessarily a consequence of their fecklessness and that their lives were influenced by events beyond their control such as the flux in manufacturing fortunes. Green (1881), for example, began to write about concepts such as community and citizenship where there would be a reciprocal responsibility between the individual and the state. Rather than just a sign of the state’s benevolence, this development should be seen in the context of supporting the fluctuating fortunes of capitalism and controlling the collective power of workers

(Ginsburg, 1979). From this time, however, the concept of rights began to include entitlements of citizens as well as rights to be left in peace, and state intervention in private lives increased. Hence, at this time also, the state recognised some responsibility to children as separate from their parents and introduced protective legislation such as the Factory Act, 1833 and the Prevention of Cruelty to Children Act, 1889. However, children were only considered in terms of their care and protection, not their rights.

The debates about citizenship, together with ideals of equality of opportunity and income redistribution (Hobhouse, 1922 and 1964 [1911]), laid the foundations for the post-war 'welfare state'. Citizenship required the recognition of rights and duties as a two way contract between individuals and the state. However, it also depended on membership. Marshall (1950: 28) described citizenship as 'a status bestowed on those who are full members of a community', and since children were not classified as full members they were not citizens but only *potential* citizens. This debate about children's citizenship and participation continues to the present, as noted in the previous chapter.

### **The welfare state and social work**

The crisis of the Second World War precipitated the formation of a more universal system of welfare known as the 'welfare state' which was established in accordance with the Beveridge report of 1942. It built on the ideal of fairness for all citizens and a principle of social insurance. Neo-Marxist critics have argued that the

welfare state did not actually uphold the principle of fairness since it did nothing to fundamentally redistribute wealth but only perpetuated capitalism (Ginsburg, 1979). However, it created a major change in British society with its universal provisions of health and economic benefits. It also developed social work as a public service, described by Harris as ‘the operational embodiment of the welfare state’s intervention in individual citizens’ lives’ (Harris, 2003: 9).

Local authority Children’s Departments were created in this post war era in response to the Curtis Committee’s report in 1946. The Curtis Report drew attention to poor standards in substitute care and the need for better monitoring, following the Monckton Inquiry of 1945 into the tragic death of eleven year old Dennis O’Neill in foster care (Packman, 1981). The Curtis Report also considered the recent plight of young evacuees during the war, which demonstrated the need to address the poor living conditions of some children, especially in cities, and revealed the importance to them of maintaining family relationships (Hendrick, 2005). The new departments created to improve children’s welfare services were based on a paternalistic casework model that borrowed from philanthropy, psychiatry and medicine (Parton, 1998), the model of a ‘caring profession’ which, as yet, took little account of rights.

Social work has always been on contested ground since it stands at the interface between the public and the private, the adult and the child, and it overlaps necessarily with a range of other disciplines, professions and agencies, such as

psychology, education, law and medicine. It has also been at the mercy of political and cultural changes. All these factors have impacted on the balance of rights and care in social work.

Social work was originally seen as one of the public services that should remain separate from the market economy in order to protect standards of care for all, regardless of their means (Marshall, 1981), and there were high expectations of social improvements. However, by the 1970s public welfare became increasingly discredited as inefficient and wasteful since, despite the growth in spending, poverty, deprivation and crime were still rife (Parton, 1998). A range of economic and political changes associated with the New Right led to a more market driven social service where clients were renamed consumers or customers, and contracts and competition were encouraged. This shifted the balance in favour of individual rights by introducing choice of services and redress if these were not satisfactory. In adults' services people were ostensibly given individual choice in a 'mixed economy of care' but in practice choice was limited by introducing eligibility criteria for scarce resources. The same limitations applied to children's services where this mixed economy evolved more gradually. It has been argued that the development of advocacy services is a part of this consumer culture, encouraging individual redress where services are poor, thus setting the individual service user against the individual provider and disguising the lack of adequate overall provision by the state (Bateman, 2000).



Because of public scandals of over- and under-intervention by social workers in child abuse cases, the major focus from the 1970s onwards in children's services was on child protection and risk (Parton et al., 1997). An attempt to achieve the right balance led to a call for greater individual rights with clear legal thresholds for state intervention, and the Children Act 1989, which I shall discuss further below, was a landmark in this attempt.

Since the late 1990s the New Labour government has perpetuated the emphasis on individual responsibility and choice rather than welfare, for example the responsibility to seek employment or to control children's behaviour. It has also championed citizen engagement and participation based on Communitarian principles, although there is some cynicism about its motives (Harris, 2003). Critics argue that it has used the notion of a 'stakeholder society' to police and control the professions centrally on behalf of the community (Harris, op cit.). Where welfare rights are recognised, such as rights to health and to education, it has attributed failures to deliver to the inefficiencies of public servants rather than the lack of adequate provision by the state. Hence, accountability and blame have been key features of modern public services, particularly of social work (Parton and O'Byrne, 2000). A managerialist culture has emerged of auditing and target setting. Individual workers, no longer deemed responsible professionals, have to demonstrate accountability through extensive record keeping both on paper and computer (Clarke et al., 2000; Jones, 2001; Shaw et al., 2009). However, social work's continued development as a quasi-business does not necessarily benefit its

so-called customers (Harris, 2003). As Davies (2000) argues, primarily in relation to nursing, the caring professionals of the old days have disappeared and have been replaced with impersonal bureaucrats. In a cost-driven, 'best value' world social workers have little opportunity to spend time in building relationships of trust with users of their services. Hence 'caring professionals' have become 'care managers' in social work with young people as much as with adults.

### **The rise of children's rights**

Alongside these post-war developments in social work, rights movements were gathering force in Western society. The Universal Declaration of Human Rights 1948 and the European Convention on Human Rights 1950 were drafted in response to the horrors of the Second World War, in particular to the discovery of the Holocaust and to the nuclear bombing of Hiroshima and Nagasaki. In Britain, for example, the 1970s campaigns for equal rights for women and for minority ethnic groups led to the Sex Discrimination Act 1975 and the Race Relations Act 1976. However, the idea that children had rights was still a subject for derision in the 1980s (Franklin, 1995).

Since the 1980s there have been both national and international laws and policies aiming to further the cause of children's rights but these have remained largely parallel to the laws governing social work with children and young people rather than, as many hoped, incorporated into them. The United Nations Convention on the Rights of the Child (UNCRC) was a major landmark in the attempt to promote

children's rights internationally, based on the earlier UN Declaration of the Rights of the Child 1959 (Freeman, 2000; Franklin, 2002; Kumari and Brooks, 2004). It was adopted by the UN General Assembly in 1989 and was ratified by the UK government in 1991. To date, the UNCRC has been ratified by all governments apart from Somalia, one of the poorest, and the United States, arguably the richest, where it has vocal opponents (Kilbourne, 1998).

The UNCRC contains 54 Articles of children's rights, encompassing civil, economic, social and cultural rights, including basic rights to life, health, food, shelter and protection as well as education, privacy and freedom of expression. These can be categorised into the 'four Ps' of provision, protection, prevention and participation rights (Van Bueren, 1995). Articles of particular relevance to young people who are involved in the social care system, the subjects of this study, are Articles 3 and 12.

*Article 3* states: 'in all actions concerning children....the best interests of the child shall be a primary consideration.'

*Article 12* states: 'parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and understanding of the child.'

*General Comment 7 on Article 12* states that children have a right to be consulted about matters that affect them ‘*from the earliest stage*’ and ‘measures should be taken to ensure that all those with responsibilities towards young children listen to their views and respect their dignity’.

The principles contained in these two Articles, known as the *best interests* principle and the children’s *participation* principle respectively, are key concepts in the debate about children’s rights and welfare (Freeman, 2002; Archard, 2004), and I shall consider further their implications for practice later in this chapter.

Despite the international influence of the UNCRC, it has a major weakness in progressing children’s rights because it has very limited force in law and the countries that ratify it are not legally bound by its Articles. Ten years after ratification Freeman (2002), bemoaning the lack of progress in implementation, recommended that the Convention should be incorporated into English law. Efforts to enforce its articles have been made in the UK by the Children’s Rights Development Unit (CRDU), set up in 1992, and the UN Committee itself undertakes a periodic review of all governments’ progress in implementation. The last of these reviews in the UK was in 2008 when the government was found wanting in many respects, with little improvement on the previous review in 2002 (Committee on the Rights of the Child, 2008). The 2008 review reported on the UK’s poor record on child poverty, its continued failure to prohibit corporal punishment of children, its discrimination against young asylum seekers and refugees and its oppressive juvenile justice laws. Of particular relevance to this

study, it noted insufficient investment in facilities for children in care, their frequent moves and their limited access to complaint mechanisms. It also reported a lack of awareness-raising about children's rights and the Convention amongst children, their parents and amongst professionals who work with children.

Until 2000 the only recourse to law in the UK to uphold the rights of individual children was through a more adult-centred Convention, the European Convention on Human Rights (ECHR), based in Strasbourg (Read et al., 2006). This involved a lengthy procedure of application for justice at the European court, wholly inappropriate for children and young people to access. However, ECHR rulings have influenced British courts and the making of new laws. For example, the ruling in *A v. United Kingdom (Human Rights: Punishment of Child)* (1998) 27 EHRR 61, under the ECHR Article 3 (prohibiting torture, inhuman or degrading treatment), has affected subsequent legislation in the UK. *A.* was beaten by his stepfather with a stick and the ECHR held that the UK had violated *A.* by not giving clear guidelines about what constituted 'reasonable punishment' and thus failing to protect him.

The European Convention on Human Rights was incorporated into British legislation in the Human Rights Act 1998 in October 2000 and thus had the potential to strengthen the children's rights movement by giving a more easily accessible legal basis to some of the European Convention rights. Although the Human Rights Act is not specifically child-centred, commentators have argued that

together, the UNCRC and the Human Rights Act combined, could bring benefits in supporting positive policy and practice with children and young people (Cragg, 2001; Fortin, 2002). However, there has been comparatively little recourse to the Human Rights Act 1998 in both governmental and legal systems in promoting children's rights in the UK (Fortin, 2006; Lyon, 2007; Williams, 2007). Besides Article 3 of the ECHR cited above, Article 8 (protecting the right to privacy and respect for family life, home and correspondence) could be used more to challenge, for example, the lack of adequate substitute family care for young people looked after. Lyon (2007) suggests that the UK government has no genuine interest in children's rights and avoids promoting the legally enforceable Articles of the ECHR in favour of emphasising their *unenforceable* rights under the UNCRC.

### **The Children Act 1989: care, rights and risks**

The Children Act 1989 is the main piece of legislation applying to the welfare of the young people in this study; young people 'looked after' and 'in need'. It was a major development in the UK, repealing most of the previous legislation relating to children and social care apart from adoption and youth justice. Subsequent amendments to the Act are contained in the Children (Leaving Care) Act 2000, the Adoption and Children Act 2002, the Children Act 2004 and the Children and Young Persons Act 2008, relevant parts of which I shall discuss further below.

In terms of children and young people's care, the Act included provisions for 'children in need' (s. 17(1)), including in its definition of 'in need' disabled children.

Apart from these, local authority policy makers were left to make up their own minds about who should qualify. Since there was no ring-fenced funding made available to provide for 'children in need', local authorities were at liberty to concentrate their resources on child protection work, as noted above. Given the climate, perpetuated till this day, of successive scandals about 'avoidable' child deaths and the failings of social workers, concentration on risk was a rational reaction (Parton et al, 1997), and the assessment of risk became more closely tied into the law with a focus on the legal threshold of *significant harm*. The Act also changed the laws with regard to children and young people looked after\*, giving parents increased rights and responsibilities in relation to the state's care, particularly where young people were in voluntary accommodation (s.20). Overall, the focus was on keeping families together through partnership with parents and carers, rather than partnership with children and young people (Thomas, 2000).

The Act was expected to transform the children's rights agenda in England since it adopted similar principles to those in the UN Convention for the Rights of the Child, enshrining them in enforceable law (Smith, 1996; Roche, 2002). However, many of the rights encompassed in the Act relate to legal proceedings, and critics have complained that it is excessively legalistic and that it turned children into legal

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\* 'Looked after children are those accommodated by the local authority, away from their family, in a residential or foster placement, and all children who are the subject of a care order, even if they are living with their parents.' (Brammer, 2007: 303)

objects (Lyon and Parton, 1995; Cooper, 1998). For example, echoing Article 3 of the Convention where children's best interests are 'a primary consideration' (*my italics*), implying that it is one of *several* considerations, the Children Act 1989 Section 1(1) states 'the child's welfare shall be *the* court's paramount consideration' (*my italics*). Thus the Act gives more priority to children's welfare but this is applied more narrowly to court decisions (Freeman, 2002).

The Children Act 1989 also introduced principles allied to Article 12 in the UN Convention, 'participation principles'. It introduced a statutory checklist for courts in making decisions, the 'welfare checklist' (s. 1(3)) including for the first time an element of consultation with children. Courts should have regard to the 'ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding)'. The presentation of children's views in court was facilitated by the appointment of guardians ad litem, now known as 'children's guardians', to ascertain their wishes and feelings for the court and to protect their interests (Brammer, 2007).

Besides these changes in legal proceedings, the Act attempted to enable children and young people looked after to become more involved in decisions about their future and to give greater emphasis to their consultation generally (Smith, 1996). In Section 1(3)(a), for example, duties are placed on local authorities (Sections 22(4) and (5)) and voluntary agencies (Section 61(2) and (3)) in relation to children looked after by them, in ascertaining children's wishes and feelings before making



decisions about their care. (An amendment in the Children Act 2004 has extended consideration of children's wishes and feelings to those 'in need' (Section 53)).

Section 26 requires local authorities to ascertain the views of children looked after before statutory reviews and to inform them about decisions. In practice, however, many studies have found that these young people's involvement in decisions about their future remains minimal (Thomas, 2000; Holland, 2001; Munro, 2001; Boylan and Ing, 2005). Even when young people were involved in decisions, in practice there was no provision for their views to prevail over those of others (Thomas, 2000). Harrison (1999), for example, found that the wishes of looked after young people to see their siblings from whom they were separated were often ignored and they were given little information about these close relatives.

The Children Act 1989 also placed a duty on local authorities to provide transparent complaints procedures. However, it has been found that children and young people looked after have continued to be in a powerless position, experiencing extreme difficulty in making their views known or in making complaints (Sherwin, 1996; Utting, 1997; Roche, 2002; Pithouse and Crowley, 2007). For example, the study of young people's complaints by Pithouse and Crowley (2007) found that some young people said they had been motivated to complain because they were not listened to or not taken seriously by adults in social care, and others said they feared making a complaint because of possible repercussions.

In terms of children's autonomy rights under the Act, children could refuse medical or psychiatric examinations where they were deemed to be 'of sufficient understanding to make an informed decision' (Sections 38(6), 43(8)). There is, however, no definition of 'sufficient understanding' and this concept has been repeatedly tested out in court with differing outcomes for children. The 'Gillick competency' principle was established prior to the Children Act 1989 by a decision of the House of Lords in *Gillick v. West Norfolk and Wisbech Area Health Authority* [1986] AC 112. The case concerned whether it was lawful for a doctor to give contraceptives to a person under the age of 16 without her parents' consent. Lord Scarman's ruling, seen as a legal landmark, stated:

A minor's capacity to make his or her own decisions depends on the minor having sufficient understanding and intelligence to make the decision and is not to be determined by reference to any judicially fixed age limit.

This appeared to be a major step forward for children's autonomy rights but it was not as far reaching as originally thought (Thomas, 2000; Freeman, 2002; Brammer, 2007). For example, subsequent to the Children Act 1989, a judgement in *Re W (A Minor) (Wardship: Medical Treatment)* [1992] 4 All ER 627 overruled a 16 year old girl's refusal to consent to treatment for anorexia nervosa. Similarly in 1993 in *South Glamorgan C.C. v W and B* [1993] a child's refusal of treatment was overridden. As noted in the previous chapter, there are ongoing debates about how to judge children and young people's competence and capacity.

Overall, the Children Act 1989 with its balance of care, rights and risks was a piece of legislation that, despite good intentions, afforded children and young people little more power over their circumstances than before. Neither did it enhance their care as much as originally hoped since, in practice, provision for children in need was extremely patchy and resources were diverted to child protection (Parton, 1997). The Act emphasised procedural and legalistic decision making rather than attention to children and young people as individuals. Hence it reinforced an impersonal service that fitted well into the market based managerial culture of local authorities outlined above.

### **Recent trends in social work with children and young people**

Since their election in 1997 the New Labour government has introduced a multitude of laws, policies and guidance in respect of social work with children and young people, and through this has operated more central control. Whilst the main focus of children's services is still on risk and safeguarding, other elements have been emphasised such as improved assessments and inter-agency working. Within these new initiatives children's rights have played a minor role.

The 'Framework for Assessment of Children in Need and their Families' (Department of Health, 2000) aimed to shift the balance of children's services away from investigations of risk to family support services and to provide more integrated, universal and non-stigmatising services. The 'Framework' was influenced by challenges to a risk-based approach in the Audit Commission Report

(1994) and in a Department of Health series of research studies, summarised in Department of Health (1995). Social workers in child care were directed to change the balance of their approach by conducting holistic needs assessments of children and their families. On the face of it, such assessments should have provided a more individualised service with the potential for social workers to build good caring relationships with children and young people. Studies have documented some benefits such as improved recording and inter-agency working (Cleaver and Walker, 2004). However, assessments are linked to specific timescales and targets which afford workers little time to build relationships and, because of scarce resources, are often limited to risk assessment and the procedural realm of child protection. Although the 'Framework' drew attention to the need to see, observe and interact with children, it made no reference to children's rights, and the only mention of these in the associated 'Reader' (Horwath, 2000) was a slight reference to the use of advocates at the end of a chapter on empowering children to participate in assessments (Shemmings and Shemmings, 2000).

Assessments are still a major focus of children's services and have been supplemented by the Common Assessment Framework (CAF), introduced in 2007, for use by practitioners in all agencies to assess children's needs for services, with the aim of promoting inter-agency and inter-professional collaboration.

### **Inter-agency working and children's trusts**

Recurrent child abuse scandals have kept the focus of children's social services on risk. The tragic death of eight year old Victoria Climbié in 2000 led to a drastic reassessment of child care systems in the UK. Victoria's great-aunt and her partner were convicted of the murder through extreme abuse and neglect but the subsequent report by Lord Laming (2003) also blamed poor practice by the agencies involved:

The suffering and death of Victoria was a gross failure of the system and was inexcusable. It is clear to me that the agencies with responsibility for Victoria gave a low priority to the task of protecting children. (Laming, 2003: para. 1.18)

The Children Act 2004 was introduced in response, following the Green Paper 'Every Child Matters' (Department for Education and Skills, 2003), aiming to change the 'mind-set' of managers. It defined for the first time outcomes for children's well-being, setting the foundations for good practice and shoring up existing safeguarding strategies, rather than making major changes to the Children Act 1989. The emphasis was on effective inter-agency working to minimise risk, and children's trusts were established to enshrine this in the management structure. The trusts are multi-agency structures involving children's social services, education, some health services, Connexions and, optionally, other agencies working with children such as Youth Offending and Child and Adolescent Mental

Health Services. They aimed to facilitate inter-agency and inter-professional work at all levels. However, a report published in October 2008 by the Audit Commission concluded that children's trusts were 'confused and confusing' and were failing to improve the lives of young people. It recommended that central government should give more consistent guidance and support to the trusts. There has also been criticism that the introduction of a common multi-agency database, ContactPoint, launched in January 2009 under Section 12 of the 2004 Children Act, infringes the rights of children in terms of their privacy and confidentiality as well as promoting increased surveillance (Penna, 2005; Shepherd, 2009), thus conflicting with Article 16 of the UN Convention on the Rights of the Child.

Further inter-agency strategies have been developed in The Children's Plan (Department for Children, Schools and Families, 2007) which aims to concentrate 'integrated services' around the individual needs of children and families, regardless of professional structures and organisations. Proposals for the children's workforce, 'Building Brighter Futures' (Department for Children, Schools and Families, 2008) recommend integrated practice and training for all those involved in working with children and young people. A vast range of workers and professionals are specifically mentioned, including those as peripherally involved with children and young people as workers in museums and transport providers but, notably, children's rights workers and advocates are not mentioned anywhere in the document. The only reference to rights is in one of the values statements in an Annex exhorting that 'Children's practitioners recognise and uphold children's

rights' (p61) and refers to a two line footnote about the UN Convention on the Rights of the Child.

The horrific death through abuse of 'Baby Peter', aged 17 months, in 2007 in the same London borough (Haringey) as Victoria Climbié, has caused public consternation about the lack of progress in safeguarding children despite the extensive 'Every Child Matters' programme. It has again directed the main attention to assessment of risk and inter-agency working in children's services and again, the central blame has been laid at the door of social work, although health professionals have also been criticised. The ensuing report by Lord Laming (2009) made further recommendations for remodelling children's social work with particular attention to training, recruitment and retention since obviously, there are concerns that few social workers will want to work in services that focus on safeguarding children, particularly in Haringey. In the current climate, this focus on risk is unlikely to shift to a focus on the care and rights of children and young people.

### **Developments in law for children and young people looked after**

Most of the young people who took part in this study were in residential or foster care at the time of interview or when they were younger. It is therefore important in looking at the legal and policy background to consider changes in looked after services. Despite the continuing focus on safeguarding children, there have also been developments to try to improve the lives of young people already in the care

system. These are likely to have increased importance given the rise in numbers of care applications made to courts since the report on the death of ‘Baby Peter’ in October 2008. In March 2009 there was a rise of 37.5% in applications compared with the previous March (Samuel, 2009).

The Children and Young Persons Act 2008 was enacted in November 2008, following the White Paper, *Care Matters: Time for Change* (Department for Education and Skills, 2007). The White Paper recognised some of the failings of current provision for young people that were outlined in the Introduction to this thesis, for example the lack of placement choice, the number of placement moves young people have to make and their poor educational achievements. It also emphasised the importance for young people of positive relationships with social workers.

The new Act aims to achieve a higher quality of care and greater consistency and stability of placements through ensuring children and young people appropriate accommodation with better support, both personal and financial. To achieve this it includes such measures as independent reviewing officers, the potential to delegate local authority functions for looked after children to outside providers, increased powers to local authorities to make cash payments to children in need and their families and the extension of an independent visiting scheme for young people looked after. This last appears to be a ‘revitalisation’ and extension of the Independent Visitors Scheme, a befriending scheme introduced under the Children



Act 1989 for young people who had little or no family contact. Lobbying groups requested that all children and young people in care be appointed an independent advocate but an independent visiting scheme will not achieve this (Oliver, 2008). There are also measures to try to improve young people's achievement in school and their improved access to, and support in, higher education. The Act clearly has very good intentions for young people looked after but there are concerns that the substantial additional resources that are needed for its implementation are not being earmarked for this purpose (Wong, 2008). At a time of economic recession and of crisis in the safeguarding children system it is likely to be difficult for local authorities to find extra funding for these new measures.

### **Development of children's rights and advocacy services**

As previously noted, law and policy in children's rights in the UK have developed largely in parallel to other welfare law. Behind these developments has been a strong campaigning and lobbying faction, involving children and young people to a greater or lesser extent. National organisations such as the Children's Legal Centre and the Children's Rights Alliance for England (CRAE) have a central advisory and campaigning role. They have promoted awareness of children's rights, lobbied for reform and educated institutions to promote young people's participation. Other pressure groups have had a more specialist role. The Family Rights Group, for example, has campaigned for family rights as a whole, but they have also raised the profile of young people's rights in relation to public bodies, in particular local authority social work. Another lobbying group, End Physical Punishment of

Children (EPOCH), was formed to try to end the legality of smacking children in Britain (Newell, 1989), to date still with only partial success.

Young people have been most centrally involved in campaigning for their rights in the care system. The 'Who Cares?' Project developed in 1977 from a conference in 1975 attended by 100 children in care, subsequently publishing a list of required changes (Page and Clark, 1977). Who Cares? still operates as a national charity aiming to improve the lives of children and young people in the public care. The user-led group, the National Association of Children and Young People in Care (NAYPIC), was organised by young people in care and those under 25 years old who had left care. In 1991 it started a Youth Parliament but lost its funding a year later. A Youth Parliament was subsequently established in 1999, acting as a campaigning group rather than a body with power akin to that of an adult parliament. Recent developments have been more centrally controlled consultation and participation with young people and these have become a feature of most recent government initiatives. These included policy drives such as the Children and Young People's Unit (CYPU, 2001) which promoted children's involvement in decision making and established 'core principles' about young person centred services.

The establishment of a Children's Commissioner in England should have been an important and powerful development in promoting children's rights. Recurrent scandals about young people abused in residential care, documented, for example,

in the Waterhouse Report (2000), led to the appointment of a Commissioner for Children in Wales and a demand for one in England. The post of Children's Commissioner in England was eventually established under the Children Act 2004 and the first appointment was made in March 2005. The Commissioner was appointed to represent and report on the interests and views of children by involving them directly. However, there have been criticisms that the role, as defined, is paternalistic and has not furthered the rights agenda for children and young people (Brammer, 2007). In comparison with Commissioners in other countries its remit is weak. Powers to investigate and report are subject to the direction and veto of the Secretary of State and there is little power, for example, to access information, to enter establishments, to subpoena witnesses or to meet children in private.

### **The organisation of local children's rights and advocacy services**

Local children's rights and advocacy services, the subjects of this study, are still relatively new features of social care in Britain. The first local children's rights service for young people looked after was established by Leicestershire Social Services Department in 1987. The expansion of these services was facilitated by the 'Quality Protects' initiative (Department of Health, 1998) which allowed funding for a network of children's rights workers. This was in response to a large scale evaluation of the circumstances of children looked after away from home (Utting, 1997). The report documented poor treatment and abuse of children and young people on a wide scale and included a recommendation to 'provide more effective

avenues of complaint and access to independent advocates'. Thereafter, the number of children's rights and advocacy services in the UK increased dramatically, rising from approximately forty projects in 1999 to over a hundred by the end of 2000 (Gledhill, 2001). Provision is still patchy, however, and studies have highlighted the lack of access to these services for many young people (Clarke, 2003; Boylan and Ing, 2005; Dalrymple, 2005; Oliver et al., 2006; Pithouse and Crowley, 2007). Oliver et al. (2006) suggest that access could be improved through giving young people a *right* to independent advocacy.

Some of these local children's rights services are wholly managed and funded by local authorities whilst others are contracted out to the voluntary sector such as Action for Children (formerly NCH), the NSPCC or the Children's Society. Funding arrangements vary but a high proportion of the costs are usually met by the local authority. There have been concerns about this lack of independence of advocacy services since, where funding is tied into social care commissioning services, there can be a consequent lack of power to challenge on behalf of young people (Barnes and Davis, 2003; Dalrymple, 2005; Oliver et al., 2006). The rights services also rely on local authorities for referrals and for information about the young people in their care and they therefore need to work closely with social care personnel. As noted in the introductory chapter, this can be problematic as some social care professionals have negative views of advocacy for children, considering the service threatening or counterproductive (Dalrymple and Payne, 1994; Rae, 1996; Barnes and Davis, 2003; Oliver et al., 2006). The conflict between the two

groups of workers can also be viewed as a tension between those emphasising children's welfare and those emphasising their rights (Oliver et al., 2006), a theme that is a major focus of this doctoral study.

Until recently, rights services mainly provided advocacy for young people in the care system but their remit has expanded with recent demands in policy and practice for advocacy for young people in need and in child protection (HM Government, 2006). The role of advocates was also extended under the Adoption and Children Act 2002 which amended Section 26 of the Children Act 1989 and required local authorities to provide advocacy services for children and young people making complaints. One of the ongoing difficulties for young people in using advocacy services has been concern about confidentiality and about possible retribution if they did make a complaint or assert their rights (Barnes and Davis, 2003; National Care Standards Commission, 2003; Boylan and Ing, 2005; Dalrymple, 2005; Oliver et al., 2006). 'Get it Sorted' (Department for Education and Skills, 2004) was published to give guidance to advocates about handling such complaints in a way that helps young people to control the process and minimise any repercussions.

Besides local services, national advocacy services such as Voice (formerly Voice of the Child in Care (VCC)) was established in 1975 and was originally focused primarily on casework in London. It has since expanded and the service now includes regional offices, a service for young offender institutions and for

unaccompanied asylum seeker children. The National Youth Advocacy Service (NYAS) was formed in 1998 and incorporated two former agencies, Advice, Advocacy and Representation Services for Children (ASC) and Independent Representation for Children in Need (IRCHIN). NYAS operates throughout the UK and provides specialised support for young people in administrative or judicial proceedings. In support of the role of children's rights workers the association, Children's Rights Officers and Advocates (CROA) was established in 1992, providing information and advice to its members and promoting children's rights awareness.

Guidance in National Advocacy Standards (Department of Health, 2002) was published to further support the growth in advocacy services and to promote good quality services for young people looked after and in need. The guidance contains ten core standards. These include a requirement to focus on children's 'views and wishes' rather than their best interests (Standard 1). In addition, services provided are required to promote equality (Standard 3), be easy to access (Standard 4), responsive (Standard 5) and confidential within prescribed limits (Standard 7). These standards set out basic principles of advocacy work with children and young people and the next section will consider some practice issues common to advocacy and social work that draw on such principles.

## **Practice issues in social work and advocacy with children and young people**

The roles of social workers and rights workers are clearly different but there are overlapping elements. Amongst other duties, social workers have responsibility to assess needs, to safeguard, to work with families, carers and a range of other professionals and agencies to promote children and young people's welfare.

Children's rights workers also need to liaise with carers and other professionals but in their advocacy roles of representing and challenging they focus more exclusively on the wishes of young people themselves. In addition, young people normally have little choice about whether or not they are allocated a social worker but the services of rights workers are optional. These differing factors affect the practice of the two groups of professionals but their work also has common features. Both groups need to meet with young people, find out their views and act on their behalf. They also share some common principles and values, for example about making good relationships with young people, empowering them, finding out their wishes and feelings and enabling them to participate in decisions. However, the emphasis in their practice is different and they have a different perspective on other principles such as working in children's best interests. Many of the studies outlined below have explored the roles of social work and rights work in promoting children and young people's rights but there has been little consideration of their work in relation to a care ethic, the focus of this study.

## **Good relationships**

Relationships between workers and service users are fundamental to social care and are keenly discussed in social work textbooks which include guidance about good communication with a range of service users (Barett et al., 2004; Foley and Leverett, 2008). In contrast, guidance for children's rights workers and advocates lacks this particular emphasis. After the Second World War, social work was grounded in a psycho-analytic model where the relationship was seen as central (Biestek, 1961; Hollis, 1964), but the model for children's advocacy borrows more from the legal profession where the relationship between professional and client is afforded less importance. In practice, as noted earlier, modern social work in the UK has also relegated relationships to a more subsidiary role and has become bureaucratic and impersonal (Harris, 2003; Parton, 2003; Oliver et al., 2006).

For young people in need and looked after, relationships with workers may be a sustaining compensation for lost or poor relationships with parents or carers. For example, Boylan and Ing's (2005: 9) two studies of young people in public care found that, repeatedly, these young people expressed the wish for an 'enduring relationship' with both children's rights and social workers. Children and young people who were involved in child protection investigations have also said that a positive relationship with their social worker was important for them, and it was found that a good relationship of trust and honesty led to good outcomes (Bell, 2002). Studies have found that certain elements of their relationships with workers were especially important to young people. They wanted workers, whether



children's rights or social workers, who were friendly and treated them with respect as an equal (Dalrymple, 2005; McLeod, 2008). Despite the lack of emphasis on relationships in advocacy many young people said that they valued their relationships with advocates because they found that they were more friendly and treated them more equally than other care professionals (Dalrymple, 2005; Pithouse and Crowley, 2007). Good relationships with workers also empowered young people to become involved and to participate in decisions about their care alongside adults (Thomas, 2000; Bell, 2002). The quality of the relationship was found to be especially important in enabling young disabled people to take part in decisions since, for them, it could take more time and trust to build good two way communication (Knight and Oliver, 2007).

Recent thinking about a new version of relationship based social work to counteract the bureaucratic culture draws on a psycho-social model (Trevithick, 2003), and attachment theory has frequently been used as a basis for theorising about relationships between social workers and children (Howe, 1998; Bell, 2002; Ruch, 2005). Bell's (2002) work, for example, usefully illustrates elements of attachment behaviour theory that might inform professionals' work with young people who are the subject of child protection enquiries, describing two different models of attachment behaviour, that of supportive/companionable relating and that of dominant/submissive patterns. However, criticisms of a model of professional relationships based on attachment theories claim that these perpetuate a

paternalistic approach and do not adequately address power relations between social workers and their service users (Ruch, 2005).

### **Empowerment and professional power**

The principle of empowering young people through working relationships is common to both social work and rights work (Braye and Preston-Shoot, 1995). In social work this is part of a commitment to anti-oppressive practice that is central to the work (Dalrymple and Burke, 2006; Thompson, 2006). One of the difficulties for children and young people is their relative lack of power in relation to adults since, as discussed in the previous chapter, they are commonly regarded as immature and incompetent (James et al., 1998; Lee, 2001). Rowe's (1989: 16) definition of power is useful in considering this, that is: 'the right to have your own definition of reality prevail over other people's definition of reality'. Adults, especially professionals, define the reality for children. In social work children are routinely defined in terms of their needs and this focuses on their weaknesses rather than their strengths. If professionals emphasise vulnerability rather than resilience and resourcefulness, this can weaken children's sense of agency (John, 2003).

Research into social work practice suggests that young people involved with social services feel they have little power (Farnfield, 1998; Munro, 2001). In Farnfield's (op cit.) studies young people said they found the power of social workers overwhelming and they expressed the need for an independent advocate in their dealings with them. The young people in Munro's (2001) study of communication

between social workers and looked after children expressed similar views. They felt that they had adults' agendas imposed on them and were powerless to replace these with their own and, as a result, they tended to use strategies such as changing the subject or not engaging with workers.

Studies of children's rights services suggest that their work goes some way to redressing the balance of power for children and young people (Oliver et al., 2006; Pithouse and Crowley, 2007). However, advocates for young people in need are still working for them within the social care system where the agenda remains adult led (Dalrymple, 2005). Further, most advocates themselves are adults and although peer advocacy could be helpful in some instances, on the whole studies have found that young people prefer to engage with professional advocates who are more likely to understand the care systems (Boylan and Ing, 2005; Dalrymple, 2005).

## **Participation**

The issue of empowerment is linked to that of participation. Both social workers and rights workers are expected to enable children and young people to participate in decisions about their future in accordance with the Children Act 1989 and 2004 and the UNCRC, as outlined above. As discussed in the previous chapter, Hart's (1992) adaptation of Arnstein's (1969) 'ladder' of citizen participation has highlighted the differing degrees of participation that children may, or may not, enjoy.

Studies about children and young people's participation find overwhelmingly that young people do not feel they are enabled to participate in decisions. Morrow's (1999) research with schoolchildren looked at their general attitudes to rights and participation. She found that children saw themselves as excluded from the range of rights that adults enjoy, particularly as they got older and that they tended to frame this in language such as 'the desire to "have a say" in decisions that affect them' (Morrow, op cit.: 167) rather than in the jargon of participation. Evidence from studies of young people who are involved with social services suggests that they also feel excluded despite the legal requirements to involve them. A study of child protection assessments, for example, found that children's participation was minimal and that their voices were silenced (Holland, 2001). Studies of young people in public care have found that they were often omitted from important meetings about their care and were not consulted about their views (Thomas, 2000; Boylan and Ing, 2005). Even when they were present they found it difficult to contribute because often they had not been adequately prepared. Morris (1998) found that young disabled people were consulted even less about their care, and workers in social services tended not to even record their opinions or wishes.

Studies provide evidence that young people appreciated the efforts of children's rights workers and advocates to enable them to participate in these difficult circumstances (Barnes and Davis, 2003; Clarke, 2003; Pithouse and Crowley, 2007). They felt enabled to 'have a say' through adults who respected their views and listened to them. Thomas's (2000) extensive study of looked after young

people's participation found that the *process* of enabling children to participate was key and what children wanted most was 'the opportunity to take part in a dialogue with adults, rather than for either themselves or the adults to determine the outcome' (Thomas, op cit.: 152). Other commentators have concluded that adults need to create child-friendly environments and processes to enable young people to participate meaningfully (Woodhead, 2006; Cockburn, 2007).

### **Wishes and feelings and 'best interests'**

Eliciting young people's views is fundamental to their participation. As noted earlier, social workers are required under the Children Act 1989 and 2004 to consult children and young people about their *wishes and feelings*, and Article 12 of the UNCRC, though not legally binding, reinforces this principle. In terms of working in children's *best interests*, the Children Act 1989 requires that legal and care professionals should consider the child's welfare as paramount in legal proceedings and, in decisions about providing care, they should promote children's welfare and consider their interests. This is again reinforced by Article 3 of the UNCRC which states that best interests should be considered 'in all actions concerning children'.

These two principles of consulting young people about their wishes whilst also working in their best interests can give rise to conflicts and confusions in social work which can become even more acute when they encounter advocates who are working from different principles. Questions arise about *who* should decide best

interests and what weight social workers should give to a child's wishes when these conflict with what they deem to be in his or her best interests. For example, if a young person wishes to live with her mother but her mother has a partner convicted of serious offences against children, professionals are unlikely to consider that to live there will be in the young person's best interests and therefore will not accede to her wishes.

Professionals have other difficulties with determining best interests. The first problem is that it is difficult to determine *objectively* what is in a child's best interests. There are so many options and variables in choices made for children, and professionals can only guess what the outcome of each of these will be in the future (Thomas, 2000; Archard 2005). Furthermore, it can be argued that best interests depend on specific social and cultural values (Thomas, 2000). In some cultures, for example, physical punishment is regarded as a positive way of bringing up children to be obedient whereas in others it is regarded as child abuse. Even within cultures people have different ideas about priorities for children and what is best for them. Some parents, for example, attach a high value to educational attainment whilst others attach more importance to religious observance or to family unity.

Rights proponents argue that more weight should be given to young people's views in determining their own interests and that professionals and experts misuse the best interests principle to limit and control young people's participation rights (Dalrymple, 2003; Boylan and Dalrymple, 2009). Timms (2001: 151) has argued

that children's advocacy 'can act as the necessary corrective to imprecise definitions of best interest'. For children's rights workers, consulting young people about their views and wishes is a central principle written into Standard 1 of the National Advocacy Standards (Department of Health, 2002) but they are specifically *not* supposed to be acting in the best interests of children and young people. According to the standards:

The child or young person leads the advocacy process. The advocate acts only upon his/her express permission and instructions, even when these are not the advocate's view of the child or young person's best interests.  
(Department of Health, 2002: Standard 1.2)

The standards maintain that this rule may only be broken where there is a risk of 'significant harm' to the young person or others. In practice however, there may be difficulty in *not* considering a young person's best interests. Knight and Oliver (2007) cited examples in their study where advocates for disabled young people found it difficult to avoid judging on best interests because they found the young people's views so difficult to determine. Oliver et al. (2006) found evidence that not all the advocacy in their study was child-led and some children felt that their advocate had taken control even where there was no difficulty over communication. This difficulty for advocates about withholding their judgment and acting solely on children and young people's wishes and feelings has been little explored in studies and my research addresses some of the dilemmas involved.

My research looks in detail at the practice issues discussed above and at others that were raised by the participants. It also builds on the findings of previous studies by considering social work and advocacy with young people in light of relational theories and a care ethic as discussed in Chapter One.

## **Summary**

This overview of social work and advocacy with children and young people has attempted to trace the concepts of rights and care through the development of relevant laws and policy. It has shown that, although there has been some overlap in legal and policy developments in rights and care, many of these have evolved in parallel. The background discussion also charts the developments in social work and advocacy *practice* and this demonstrates that the concept of ‘care’ has little currency in today’s children’s social work, apart from in the sense of children looked after.

The following chapter acts as an introduction to my own study by outlining its rationale and the methodology I have used for it.



## **CHAPTER 3: METHODOLOGY**

A piece of research cannot be properly understood without reference to the process of carrying it out, and in this methodological chapter I attempt to give a detailed account of the research, its process and its rationale. I shall first describe how the study design evolved and its theoretical underpinnings. Besides the usual issues around access, data collection and analysis, there are many extra considerations in research with less powerful groups of participants like the young people in this study. These include concerns about their participation, making sure they have a voice and addressing the ethical issues involved. My account highlights the importance of reflexivity in research, and throughout I describe the difficulties and dilemmas I encountered.

### **Evolution of the research design**

As explained in the introductory chapter, I was interested in children's rights and advocacy services for young people in the social care system because of my involvement in previous research in this area (Barnes, 1993; Barnes and Davis, 2003). Together with a colleague, I had carried out an evaluation study of a local children's rights project and had been concerned to find that it was not working well for some of its young service users, and that social workers, in particular, had very negative views of the service (Barnes and Davis, 2003). I wanted to explore the world of children's rights and advocacy further to find out more about these difficulties.

I considered that young people and their experiences should be at the centre of the study to foreground their concerns but otherwise I was initially unsure about the design. My first idea was a retrospective study with young adults who had received local authority services as children, to find out from them whether they would have found a children's rights approach helpful. On further reflection, however, I recognised that this was a naïve viewpoint and that the concept of 'a children's rights approach' was too vague since children's rights practice might cover a wide range of differing approaches and I could not assume that I knew what these were. I therefore abandoned this idea and considered more specific areas for studying children's rights such as the views of young people about their participation in decisions, involving looked after young people and a comparison group in the general population. However, I found that there were numerous previous studies about young people's participation such as those by Morrow (1999), Thomas (2000) and Holland (2001). I therefore doubted whether another similar study would add to the knowledge already accumulated. I also considered studies of children's rights in relation to particular groups of young people such as asylum seekers or young people in foster care, focusing on their right to family contact. In all these, however, I was not certain I should find enough participants who had sufficient contact with children's rights workers to comment on the service. Hence I was concerned that I might not be able to add to knowledge and understanding about the principles and practice of children's rights work, which was one of my main aims.

I wanted to explore the methods and models used by rights workers and the principles that guided them in their work. I was also interested in considering the challenges to rights principles from ethics of care theorists, discussed in Chapter One, and the way these related to rights practice. I considered that asking the rights workers themselves about these issues and the young people they worked with should have the advantage of giving me evidence from two different sources. The inclusion of social workers in the study should have the added benefit of another perspective and could provide a comparison between their practice and that of the rights workers. This meant that I should be able to add to knowledge and understanding about the work of both groups of professionals in relation to principles of rights and care.

These considerations led to the design which formed the basis for this study. This was to explore the views of young people who had received an individual advocacy service from a local children's rights worker and from a social worker. I aimed to find out about their views and experiences of these services as well as the views of the professionals themselves. My detailed rationale, aims and research questions have been outlined in the Introduction. To summarise: my aims were to add to knowledge and understanding about the work of children's rights workers and social workers with children and young people and about their attitudes to young people, by eliciting the views and experiences of all three groups of participants. I aimed to make an original contribution to childhood studies through considering principles of rights and care in the professionals' work and to contribute to the

development of practice in both professions through considering the implications of the findings.

The research questions detailed in the Introduction followed from these aims, and included questions about the views and experiences of all three groups of participants about the work of social workers and children's rights workers and their understanding of social work and advocacy. The research questions also included those about similarities and differences in the professionals' roles and models of working, their attitudes to young people and their professional discourses.

I planned to include a range of local children's rights projects in the study, and initially, I considered including a survey of these projects nationally to obtain comparative data about some basic elements of the services, such as details of service provision and sources of funding. However, this proved to be beyond the scope of a small scale study and finding these data was not one of my main aims. I also considered including others in the study such as children's guardians, foster carers and residential workers, but the trio of young person, their social worker and their rights worker seemed a better design since, in line with the aims of the research, it had most potential to highlight professional dilemmas of rights and care and the effects of these on work with young people.

## **Theoretical basis**

The methods and techniques used for research cannot be separated from the theories of knowledge that underlie the subject matter. Underlying assumptions about the nature of reality and how we can be said to 'know' anything have been debated by philosophers for centuries. In all research there needs to be an analysis of its contribution to the complex matter of 'reality'. For example, is it possible to arrive at a truth? How does the researcher's viewpoint influence the whole process and findings? How should differing views be weighted? As applied to my research can I, for example, assert that my data reflect the reality for looked after children, and how should I evaluate the differing viewpoints of children and the adults working with them?

Two major traditions in epistemology or theories of knowledge, objectivism and constructionism, reflect differing views about what can be said to be knowable, although a strict divide is increasingly questioned, as I shall outline further below. Objectivist epistemology informs the theoretical perspective of positivism, associated in the social sciences with Auguste Comte (1798-1857), and is usually characterised as claiming that facts and reality exist whether or not they are observed or sensed by human beings (Crotty, 1998). Some commentators explain positivism as an application of the principles and practices of the natural sciences to the social world (Bryman, 2004). In terms of research, this view holds that it is possible to reflect reality by means of, for example, experiments or surveys. Methodologies and methods derived from positivist theory tend to be categorised as

quantitative and as being concerned with gathering ‘facts’ and translating these data into numerical form (Blaxter et al., 2001).

In contrast, constructionist (or subjectivist) epistemology is usually characterised as claiming that there is no objective truth and there is no meaning without a mind to attribute meaning to it. A major theoretical perspective in the constructionist tradition, interpretivism, looks for the meaning of social life in its culturally and historically situated aspects. Weber (1864-1920), one of the major early proponents of interpretivist theory, described this as ‘understanding’ (Verstehen) and contrasted it with the ‘explaining’ (Erklären) and focus on cause and effect, of positivist theory. Research methodologies and methods derived from interpretivist theory tend to be categorised as qualitative. They are concerned with ‘capturing the individual’s point of view’, ‘examining the constraints of everyday life’ and ‘securing rich descriptions’ through techniques such as interviewing and observation (Denzin and Lincoln, 2008: 16).

Clearly, the methodology used in any research should follow from the research aims since different methodologies will lead to different sorts of data (Blaxter et al., 2001). However, despite the contrasting research traditions described above, social enquiry is more complex than a simple polarisation between qualitative and quantitative approaches would suggest. Recent theorists have argued a more nuanced position. A *post*-positivist view, for example, modifies the extreme positivist tradition. It still holds objectivity as an ideal but maintains that this is

almost impossible to achieve in research since all methods are imperfect (Blaxter et al., 2001). Bryman (2004) points out that the divide between the two approaches is often exaggerated since qualitative research may contain features of a natural science model in trying to engage with ‘reality’, whilst quantitative research may have features of interpretivism in, for example, attitudinal surveys. There may also be an overlap between research methodologies, since qualitative research may make quantitative claims about the findings, using words such as ‘often’, ‘regularly’ and ‘sometimes’(Hammersley, 1992). Some researchers regard it as useful to mix methods, using qualitative and quantitative approaches in the same study as this provides a variety of evidence for findings (Sheppard, 2004). Further arguments, considered below, concern the importance of the influence of research in changing social policy or promoting awareness of disadvantage, and suggest that methodologies should be subsidiary to this aim.

As explained above, I considered several research designs, some of which included quantifiable data in terms of a survey of local rights projects nationally. However, my main aim was to understand the attitudes and experiences of the participants. The study aimed to explore young people’s and professional workers’ opinions, feelings and values and, although this could be achieved through, for example, an attitudinal survey, methods associated more with interpretivist theory matched my aims better. For example, as described in more detail below, qualitative interviews provided more scope for exploring the views of the participants in depth and could lead to the rich data that I hoped to achieve. Interviews that were not fully

structured would enable me to follow up any points that participants made and explore with them their particular views and experiences (Bryman, 2004).

It is important to acknowledge the overall limitations of my methodological approach. Research studies have traditionally been judged on their validity, reliability, replicability and generalizability, and qualitative research has been criticised for its failings in all these aspects (Miles and Huberman, 1994). In terms of generalizability, for example, I cannot claim that the findings of this small scale study are representative of the views and experiences of all looked after young people in the UK and of all their social workers and rights workers. In terms of the study's replicability, whereas another researcher could have sufficient information about the process to be able to conduct a similar study, it is unlikely they would reproduce the findings I report since even the same participants may react differently to their questions. Further, another researcher may interpret the findings differently since there can be many readings of the same data set (Denzin and Lincoln, 2008).

Validity in research is usually taken to mean 'the degree to which a measure of a concept truly reflects that concept' (Bryman, 2004: 540), and reliability is defined as 'consistency of the measurement of a concept' (Bryman, 2004: 71). These references to measurement do not fit well with the nature of qualitative research, although some writers have argued that qualitative research can have validity in the sense that it can explore and relate to the aspects the researcher actually intended to



explore (Mason, 1996). Others argue that reference to measurement is a misinterpretation of qualitative research where transparency of the process and reflexivity of the researcher are more important (Edwards and Ribbens, 1998; Flick, 1998). As noted above, the value of much qualitative research lies in rich descriptions and the perspectives of individual participants. Guba and Lincoln (1994) suggest different criteria for evaluating qualitative research, those of ‘authenticity’ and ‘trustworthiness’. They describe authenticity as fairly representing different viewpoints amongst participants, ensuring a better understanding of their worlds through the research, as well as empowering them to change their situations where appropriate. These are aspects that I have aimed to achieve and are related to ‘voicing’ and participation in research which I discuss further below.

Trustworthiness, according to Guba and Lincoln (1994), includes aspects of good practice in research such as keeping records of the process, achieving rich descriptions of a culture and, whilst acknowledging that the researcher’s personal values cannot be ignored, not allowing these to unduly influence the process. I have also aimed to achieve these in my research and I shall consider my personal impact on the research further in the sections below about reflexivity and about interviewing.

Aspects of relational and post-structural theories, as outlined in Chapter One, and of ‘grounded theory’ have been especially relevant in my analysis of the data, as I

shall clarify further later in this chapter. Grounded theory, as developed by Glaser and Strauss (1967), and subsequently modified, involves deriving theory from data that have been systematically collected and analysed without any preconceived theory in mind (Strauss and Corbin, 1998). Although I have not used grounded theory in this classical sense, since I already had questions in mind drawn from studies I had previously conducted, I found its methodical approach useful, especially in the initial stages of data analysis.

In this study it was important for me to try to understand the inter-relationships of the three groups of participants and I drew on the relational model of research analysis as outlined by Gilligan et al. (2003) and Mauthner and Doucet (1998). This model also helped me examine my own research relationship with the participants (Mauthner and Doucet, 2003). Post-structuralist theories contributed to an analysis of the language participants used and of the underlying discourses in children's rights and social work with young people. As discussed in Chapter One, post-structuralist theorists argue that meaning is produced within language and that this meaning is temporary, changeable and specific to context (Weedon, 1997). Applying this to research, Riessman (1993) argues that there is no fixed reality for researchers to find but only data in the form of words, and the meanings attributed to them by researchers:

Meaning is fluid and contextual, not fixed and universal. All we have is talk and texts that represent reality partially, selectively and imperfectly.

(Riessman, 1993: 15)

Taken on its own, this stance has limitations in research with disadvantaged groups since it could lead to the conclusion that their views (in this case the views of young people in need) do not represent the reality any more or less than the views of others. I shall discuss further below the argument for privileging the voices of disadvantaged groups in research and my attempts to do this.

### **The politics of research methodology**

Since one of my aims, as stated in the Introduction, has been ‘to contribute to the development of practice in children's rights and social work’, it involves an element of attempting to improve services rather than just understanding the participants’ experiences. Here, the political implications of choice of research methodology enter the frame (Bywaters and Letherby, 2007).

Early feminist researchers advocated qualitative research to highlight the concerns of women. Roberts (1981) and Stanley and Wise (1983) challenged traditional social research for its lack of a female voice and its focus on men’s concerns. They claimed that qualitative research was best able to foreground women’s issues through a focus on detailed personal experience. Qualitative research has brought to public awareness the concerns of previously neglected social issues, such as domestic and sexual abuse, through use of qualitative narratives about private experience (Edwards and Ribbens, 1998). Early feminist researchers also

questioned the assumption that quantitative research, based on methods adopted from natural sciences, was superior to qualitative research. However, later feminist researchers have acknowledged the value of quantitative approaches to help further women's causes and those of other oppressed minority groups (Stanley, 1990; Oakley, 2000).

Some researchers have used quantitative methodology for pragmatic reasons. Broad (1998), for example, recognised that an understanding of the politics of research was important if research was to have an influence on government policies. He became frustrated that, despite a number of small scale qualitative studies providing evidence of the appalling difficulties that young people faced when leaving local authority care, these were not taken seriously by policy makers but could be dismissed as 'just local findings' (Broad, op cit.: 68). Consequently he conducted a large scale, primarily quantitative study of over 3000 young people leaving care, recognising that, although the study lacked something of the depth that qualitative studies might have, it provided a national and thus less easily refutable picture. Numbers seem to have a power to impress that words lack, as acknowledged even by those who question their validity (Pugh, 1990).

Despite these considerations, I concluded that to understand the experience of children and young people and enable them to have a voice in the research process qualitative methodologies were a better fit and matched better my research aims and questions.

## **Voicing and participation in research**

In research with the least powerful groups in society there is a strong argument for research that enables their voices to be heard. The issues of ‘voicing’ and participation are central themes of children’s advocacy, as discussed in Chapters One and Two, but they are not straightforward either in advocacy or in research. Can adults ‘voice’ the views, wishes and feelings of children? As Riessman (1993: 8) argues about research with minority groups, ‘We cannot *give* voice, but we do hear voices that we record and interpret’. Through interpretation, however, researchers may inadvertently change or distort the views they aim to represent.

Edwards and Ribbens (1998: 2) explain that certain voices may be ‘drowned out’ in research and this is particularly true in the everyday, the private sphere of people’s lives. The domestic sphere was long not regarded as a valid site for social enquiry, and women’s experiences in private life were ignored. Research into the world of work, for example, excluded the domestic labour carried out in the home and the caring by women for children and older relatives. Research centred on the ‘dominant discourses’ in society. Women researchers like Stanley and Wise (1983), cited above, have worked to bring this ‘private’ knowledge to the fore. Research about women’s experiences of, for example, education (Skeggs, 1990) and of motherhood (Ribbens, 1998) has challenged the dominant voices in society about how learning should take place and how mothers should feel about their children. Parallels have been drawn between the struggles of feminist researchers to foreground women’s issues and the current efforts of children’s researchers

(Mayall, 2002). Similar concerns about privileging the knowledge of other marginalised groups, such as disabled people and minority ethnic groups have led to research that highlights their views and further, to research conducted by those experiencing the marginalisation.

Denzin (2002) considers that participatory research is important in social work to further moral political action for disadvantaged groups. The Social Care Institute for Excellence (SCIE), which promotes the use of research in social care practice, sees user involvement as necessary for good quality research (Pawson et al., 2003). Most current research in social care views children and young people as social actors in their own right and advocates for their participation. There has been an explosion of initiatives for involving young people over the past decade, recognising that researchers need to do more than regard young people as objects of study. The level and involvement of young people in such participatory research described by researchers varies. O’Kane (2000), for example, describes children’s participation in terms of engaging them in the research process and involving them in dialogue and feedback about it. This is illustrated in a study exploring how children in their middle years (aged 8-12) looked after by the local authority were enabled to participate in decisions about their care. O’Kane (2000: 142) describes participatory research as using innovative methods with children that ‘enable researchers to focus on the child’s rather than the researcher’s agenda’. Mayall advocates a position between research *on* children and research *with* children (Mayall, 2000: 121). Her own studies demonstrate a respect for children’s

contributions (Mayall, 1996), whilst retaining clarity that an adult researcher will necessarily have a different perspective: 'I am asking children to help me, an adult, understand childhood' (Mayall, 2000: 122).

There is currently a powerful movement in social care in favour of *user-led* research, (research *by*) supported by a strong lobby amongst disabled people (Beresford, 2000; Kemshall and Littlechild, 2000). Beresford (2000) claims that user involvement and control of the research process can be usefully analysed and promoted through consideration of four main factors; the origination of research; its design and process; the data that are generated and the benefits gained by the users. He maintains that at all stages service users can achieve more dominance in the process. Broad (1999), Alderson (2000), Warren (2000) and Jones (2004) describe projects designed by adults where young people are involved in the planning and trained to collect data, research partially *by* young people. Broad (1999), for example, describes a study of the health needs of young people leaving care where a group of young care leavers helped to design questionnaires and interviews and were trained to carry out the interviews with the young people in the research sample. There are also examples where young people have been involved in disseminating research through videos and conferences and in writing reports (Alderson, 2004; Jones, 2004).

Whilst these are exciting developments in research led by young people, it seems likely that adults will be involved for some time to come. Given the way that local

health and social care bureaucracies and universities function, the balance of power and decision making is unlikely to reverse completely in favour of young people commissioning and leading research. Power issues are inevitable. Even where young people are involved in setting the research agenda, usually the researcher still has the dominant voice (Dullea and Mullender, 1999; Coad and Evans, 2008). Adults are likely to continue to be involved also in a number of roles, as carers for young people, as research funders and stakeholders, besides being researchers themselves.

My own approach was nearest to that of Mayall (2000), stated above, in asking young people to help me to understand their worlds. In order to enable young people to have more participation in the research design and planning of the process, I established a young people's reference group, drawn from young people who volunteered to assist, following my contact with a local children's rights project, but who did not otherwise participate in the research. As I shall describe further below, they advised at regular intervals about, for example, how to approach other young people, what methods would be suitable, the interview questions for young people and professionals and my interpretation of the findings.

### **Reflexivity**

Claims for the effectiveness of participatory research in empowering young people need to be made cautiously and be carefully scrutinised. Adult researchers need to be aware of the inevitable inequalities in power between themselves and young



people (Coad and Evans, 2008). *Reflexivity* in research, that is making transparent the researcher's own values and influence, plays an important role (Ribbens and Edwards, 1998; Mauthner and Doucet, 2003). This is important at all stages of research, including the framing and interpretation of data and representation of participants' views. Surprisingly, though, little has been written about the way that adults' values and attitudes to children and young people may affect the research process, and the depth of reflexivity encountered in feminist research is notably lacking.

Some authors have begun this analysis. Alldred (1998), for example, advocates reflexivity about the power relationships that are involved in research: 'As adults representing children we can try to recognise the ways in which our researcher status may confound and exploit our adult status' (Alldred, op cit.: 167). Davis et al. (2000) attempt to illustrate the importance of reflexivity in research with disabled young people through analysing the researchers' reactions but they do not explore the ambivalence of adults' views of young people. Their project to treat young people as social actors is not represented as problematic. Similarly, Kellett et al. (2004) reflect on how societal attitudes are played out in research but do not question how this operates at an individual level with researchers attempting to treat children and young people as autonomous social actors.

In feminist research literature Ribbens (1998) provides a good example of reflexivity in depth in her autobiographical piece about motherhood. She explores

her experiences of and attitudes to motherhood and compares these with those of others. Her commitment is to listen to her own 'voice' about mothering and she concludes that:

Not only does it require much attention and care to hear my own voice, but it requires even more attentiveness to hear and represent the voices of others. (Ribbens, op cit.: 37)

Without this struggle, she argues, knowledge about motherhood will be repressed and subverted as private and not worthy of reaching the public domain.

Similarly, reflexivity in research with children is important to bring to the fore some of the hidden, or private features of knowledge that might otherwise be subverted. In describing the process of the study in this chapter, therefore, and later in discussing the findings in Chapter Six, I aim to consider my research with the young people and adults involved in light of my own attitudes and values. I shall also consider the research in light of prevailing attitudes to children and young people in Western society as discussed in Chapter One. Questions arise about whether adults' differing viewpoints about young people's vulnerability, maturity and competence, for example, make a difference to research. I argue that an awareness of one's own attitudes and prejudices is vital and it is important to be clear about my own role as an adult in this process.

## **The research process**

In this account of the research process I shall attempt to reflect the reality of research, rather than to 'sanitise' it, that is to pretend it all went smoothly and without difficulties. Throughout the study I kept a written record of events and of my thoughts and reflections in the form of a series of research diaries which I have drawn on to illustrate some of the processes and dilemmas. Research is rarely a linear, straightforward matter but qualitative research in particular involves a complex web of data collection and analysis that is iterative and loops back on itself (Miles and Huberman, 1994; Blaxter et al., 2001).

## **Reviewing the literature**

Firstly, I was aware that my research has built on the insights of others in the same academic tradition (Blaxter et al., 2001; Gilbert, 2001). Therefore, reviewing the literature and research about children's rights and related fields was a major initial task but it was also ongoing throughout the study. This is an important part of research that is afforded little attention in many general research textbooks, although there is a useful specialist literature (see, for example, Hart, 1998 and Aveyard, 2007). Besides hard copies of books and journals in libraries, e-journals and the internet were rich sources of information. Computer technology has considerably facilitated literature searches, with the proliferation of search engines like 'Excite' and information 'gateways' such as the Social Science Information Gateway (SOSIG) and the British Library's Electronic Table of Contents (ZETOC). I used these and others at regular intervals to update my information about relevant

research and academic articles using keywords such as '*child*', '*children's rights*', '*ethics of care*' and '*children's research*'. The main difficulty is the huge volume of information, and assessing the quality and usefulness of the results is time consuming. I also used subject specific websites such as the Social Care Institute for Excellence (SCIE) and the Social Work and Social Policy Subject Centre (SWAP), and it was vital to keep up to date with new laws and policies through government websites like the Department for Education and Skills (DfES) and the Department for Children Schools and Families (DCSF). I joined the Children's Rights Officers and Advocates association (CROA) and received information from rights officers themselves at regional meetings, national conferences and through the local projects where I was conducting the research.

### **Access and sample**

I had established that the study should involve young people who had recently received or were still receiving individual advocacy from local rights projects, as well as their rights workers and their social workers. Access was very complex in this research as, besides the young people themselves and their workers, carers and parents, there were so many organisations and levels of organisations that needed to give permission. I therefore wrote an outline of the proposed research for the information of managers and contacted senior managers in local authorities and voluntary agencies for permissions. I sent off for an Enhanced Criminal Records Bureau check which was necessary as I was planning to interview young people. I also discovered that I would need permission from the Association of Directors of

Social Services as the research would involve service users and social workers from several local authorities. I had to send them a proposal and details of ethical considerations of the study. I received clearance from this Association and from the University at the stage of my written submission for an upgrade from an MPhil to a PhD. This constituted adequate ethical approval for the study at that time, and this was confirmed by the Professor responsible in the School of Health and Social Studies. Further ethical issues are discussed in detail below.

The debate around access to young people in research highlights adults' different attitudes to protection and control. A major consideration in research with young people is whether they should have more or less choice to take part in research at all. Adults, as providers of services, and as parents and carers, act as 'gatekeepers' and this gatekeeping extends to the bureaucratic structures around research. In this study, as outlined above, the number of barriers and 'gatekeepers' to access to the young people was considerable.

The question is whether this can be too protective or controlling and whether these restrictions mean that children and young people's concerns are not sufficiently heard in research. Some protection is surely needed since young people can be exploited in research conducted unethically, as I shall consider later in this chapter. There are also questions about whether children and young people will actually benefit from the research or whether their participation is exploited for the purposes of the researcher, sometimes referred to as 'data mugging' (Horizon, 1993).

Since initial access to the young people needed to be through the rights projects, I began the process with the manager of a local children's rights project who was interested and sympathetic because of his involvement in a prior research evaluation that I had led (Barnes and Davis, 2003). He offered to take part and gave me a list of the Midlands children's rights projects, the names of the coordinators and information about who might also be interested in taking part. I wanted to include a range of projects, large and small, run by different voluntary agencies and local authorities. I therefore arranged to visit a number of these, and the background information I gained and the discussions with personnel at these projects helped to shape the focus of my research. I also attended a regional meeting of children's rights officers by invitation to explain my research and discuss the issues. In the end, not all the projects took part. One coordinator left her job and left the country and was not immediately replaced, and another failed to reply to several of my emails and letters after the visit although she had expressed a wish to take part. She explained later that the project had been through a particularly busy time as the workers were involved in organising new training. Eventually, I was left with four projects willing to participate. Between them they provided a service for young people in seven local authorities across the Midlands. Three were run by voluntary agencies, partly funded by the local authority, and the other was run and solely funded by the local authority.

The whole process of access was easier for me as an ex- 'insider', that is an ex-social worker, since I understood local authority organisation and hierarchy. Insider

status, nevertheless, has mixed value for the researcher (White, 2001). As Hobbs (1988) illustrates in his study of East London working class culture, being familiar with the milieu and being accepted by the subjects of the study had clear advantages. In my own previous research (Barnes, 1993; Barnes and Davis, 2003), as in the current study, access was facilitated by my professional contacts, and participants' awareness of my former professional role helped them to feel I had an empathy with their situations. However there can be disadvantages. I may have had more difficulty in 'distancing' from the field to see things anew than someone who had not been involved in social work. Further, the participants may have suspected that I had a particular viewpoint and this could have influenced their response.

Eventually, the participants consisted of 20 young people, 12 social workers (including two who were not qualified) and 9 children's rights project workers. Within the findings and discussion their names and any identifying features have been changed to preserve their anonymity.

### **Planning the research methods with young people**

In considering the methods and techniques used for this research with children and young people I needed to relate these to the interpretivist theories that underlie the research, but with an emphasis on privileging the knowledge of this marginalised group in terms of 'voicing'. I needed also to adapt the methods I used with young people to suit their age and ability. I considered methods used by other researchers that enable children and young people to participate in a way that makes sense to

them, whilst being treated with respect. These also aim to engage and interest children and young people. Hazel (1995) describes various techniques that can be used to get discussion with young people going, such as vignettes, photographs and examples from 'soaps'. Other researchers describe techniques they have used with a younger age group than those in my research, such as activity sheets, drawing and games (Christensen and James, 2000; O'Kane, 2000; Punch, 2002).

Many researchers have found that interviews with children and young people are a rich source of data (Thomas and O'Kane, 2000; Punch, 2002; McLeod, 2007), but these need to be conducted sensitively, flexibly and in a way that is not oppressive to young people. I considered whether standard face to face interviews would be appropriate, especially with the younger age group, whilst also recognising that interviewing young people is not an easy option (Curtis et al., 2004; Westcott and Littleton, 2005). Westcott and Littleton (op cit.), for example, describe the difficulties in establishing rapport with young people and in asking questions in a way that enables them to feel comfortable to respond.

As previously explained, to help plan the research I met with an advisory group who acted as consultants to the research process. This consisted of two young people, a young woman of seventeen and a young man of eighteen, who had been involved in a children's rights project, both in groups and individually, and who were interested in furthering this work and helping other young people. I discussed with them the methods I might use. They said that they did not favour drawing as



an activity alongside interviews as they felt that for anyone over 10 years this would be ‘beneath them’, but that other activities or quizzes as a starting point for discussion would be all right. They also said they thought that informal interviews would be appropriate with the proposed age group of the young people who would be taking part. I considered my research aims, together with the views of my advisory group and the experience of other researchers, as outlined above, and planned to conduct flexible, semi-structured, individually based interviews using some scenarios to enable the young people to express their views. I also devised an activity for the younger age group to promote discussion (*see Appendix 1*).

I then discussed with my young advisors the draft interview schedules for young people, for children’s rights workers and for social workers. In particular, their comments on my draft interview with young people were useful in reformulating this, and this operated as a sort of pilot since these young people had a similar perspective and similar experiences to those I would be interviewing. One of the issues that they both highlighted was the need to reassure the young participants that they would not have to talk about or recall personal details of family problems. Consequently, any questions that could be interpreted in this light were changed. They were also worried about references to ‘meetings’(with social workers or children’s rights workers) in the questions, as meetings for them meant more than two people and they could both remember upsetting meetings such as reviews that they had attended in relation to their care experiences. They later looked at the

amended interview schedules (*see Appendices 2a, 2b and 2c*) and we arranged to meet again once I had some data for them to consider.

### **Interview method**

The main element of the study was based on semi-structured qualitative interviews with young people, children's rights workers and social workers. Interviews are standard research tools and are the subject of much debate. Structured interviews can be used to produce comparable and quantifiable data but this method of interviewing was criticised in a landmark chapter by Oakley (1981) about her experience of research with first time mothers. She maintained that such a process was de-personalising and disempowering to the interviewee, and she advocated unstructured interviews as facilitating a more equal research relationship between the researcher and the participant. Interviewing as a method has also been criticised as eliciting only people's 'official account' of their views which emphasise an intellectual rather than an emotional account (Collins, 1998). However, Collins (op cit.) illustrates the richness of interviews. Like other research theorists (Denzin, 1978; Coffey and Atkinson, 1996) he does not consider interviews unproblematic exchanges of information but rather 'mutually constructed social events' (Collins, op cit.: 1). Collins describes each interview as drawing on multiple selves presented (or not) to the other. For example, he recounts a number of roles not traditionally associated with the interviewer that he finds occur in his interviews with local authority employees, such as that of story-teller, sympathetic ear, biographer and confessor. Similarly, Scheurich (1997: 73) acknowledges the complexity of

interviews involving, ‘conscious and unconscious thoughts, feelings, fears, power, desires, and needs on the part of the interviewer and interviewee’. He regards the interpretation of the resultant data, as I shall explore further in the section on analysis, as equally complex.

All three sets of interviews were semi-structured, consisting of a guide of mainly open ended questions with words for prompts in the style of a ‘topic guide’ or ‘aide-memoire’, as described by Burgess (1984). The idea was to have the flexibility to be able to follow up on the participants’ ideas without the constraint of a structured schedule but also to cover similar topic areas with all (*see Appendices 2a, 2b and 2c*). The interviews with young people needed to help them to express their views as freely as possible, asking them to help me understand their experiences and feelings, whilst respecting their privacy. Here, my prior work as a social worker with children and young people was helpful to the research since I had much experience of interviewing both young people and adults on sensitive topics. The interviews focused on young people’s experiences of contact with children's rights workers and social workers. Semi-structured interviews were also planned with children's rights workers and social workers who had conducted specific pieces of work with these young people. Interviews with professional workers focused on their experiences of working with children and young people. My questions derived from a combination of the research aims and questions, my review of the literature on children’s rights and theory, my previous research and discussions with rights professionals, the reference group and my doctoral

supervisors. For example, a finding from my previous research was the difficulty for young people caught up in the differences between social workers and rights workers (Barnes and Davis, 2003) and this led to questions around this topic.

Interviews with young people, their rights workers and social workers were completed for each project location before I started the fieldwork with the next project. I piloted each of the interview schedules with all three groups of participants in the first project. I eventually included these data in the analysis since they offered a rich contribution to the study. The interview schedules evolved throughout the process in line with a grounded theory model (Strauss and Corbin, 1998) although my study did not follow a classical grounded theory approach, as explained above. I changed the interview schedule slightly after the first young people's interview (*see Appendix 2d*) and on consideration of the first stage of analysis as described below. The other interview schedules (for social workers and children's rights workers) also evolved but were changed less.

### **Contacting the participants: permissions and legal issues**

I devised a leaflet (*see Appendix 3*) for the information of young people who were potential participants so that the children's rights projects could give these out and let me know in due course the names, ages, legal status, and contact details of the young people who wished to take part. The inclusion criteria were young people from aged 12 -18 who had a substantial service (not just a one-off meeting, but at least four or five contacts) from children's rights workers and who also received a

service from a social worker. Later, I included one young woman aged 19 and a young man of 20 who had been 'looked after' but also had the experience of using children's rights services in relation to their own young children. This was clearly a purposive sample and I wanted to include between 20 and 25 young people. The aim was to achieve a mix of gender, ethnicity, ability and so on but, as acknowledged earlier, a sample of this size cannot be representative of all young people receiving children's rights services in the United Kingdom and this was not the aim of the study. (*For demographic details see Table 2 in Chapter Four.*) I aimed to interview also these young people's social workers and children's rights workers in order to get the perspective of each. This was complicated by the fact that some of the young people did not have a currently allocated social worker, and some young people had received a service from several children's rights workers.

Legal issues were an important factor in this research. Once I had confirmation that a young person wished to take part in the research, I needed to work out whether permission was also needed from parents or from the local authority for young people who were looked after. Masson (2000) explains the relevance of 'Gillick competence' (discussed previously in Chapter Two) regarding young people's consent to participate in research. The Gillick ruling has been important for a range of decisions about young people's autonomy, including independent consent to participate in research. Permission for young people who were not deemed Gillick competent (and this was difficult to judge when I had not even met them!) would need consent from someone with parental responsibility as defined in the Children

Act 1989. After considering this guidance, I decided to seek permission from someone with parental responsibility for those young people who were under 16 years old.

Thirteen of the young people in the study were looked after by the local authority, either in residential or foster care. For those young people who were on Care Orders (Section 31, Children Act 1989), the local authority shared parental responsibility and I obtained permission from the local authority but also contacted parents out of courtesy to let them know about the research if they had regular contact with their children. For those young people under 16 who were voluntarily accommodated under the Children Act 1989 (Section 20) I checked about their contact with parents and obtained parental permission where possible (*see Appendix 4*). The remaining young people were 16 or over, not looked after and their own consent was sufficient. However, I also contacted all young people's social workers to explain the research, to check details and to ask them to participate, and then sent out information about the research to them. I explained the research to foster carers and residential staff where these were involved. I was fortunate that there were no conflicts, for example where a parent or local authority representative refused consent, so that I did not have to judge a young person's Gillick competence to enable them to take part if they so wished, against parental wishes.

Access and contact with young people was not always straightforward, however. For example, I telephoned a young man aged 15, 'Timothy', who wished to participate in the research, to make an appointment, when our conversation was interrupted by someone in the room with him and he asked me to call back later. In our subsequent interview he explained that his foster carer had made it difficult sometimes for him to make or take phone calls:

When I've needed to phone somebody and I've said, 'Can I use the phone?' she says, 'Oh no you can't because of this and that...' And I thought, 'well that was a bit petty' when you phoned cos we had to talk about the appointment.

He gave me other examples of how careful he had to be not to upset his foster carer. Afterwards, I reflected on whether we should have gone ahead with the interview and whether that had made life at the foster home more difficult for him. Had I made assumptions about his autonomy, his 'social actor-ship'(as described by James and Prout, 1997 and Franklin, 2002 )? Was I being too controlling and not protective enough? I had seen him as an assertive young man, in control of his own life but was that wishful thinking on my part? Was it too easy to interpret it as such to suit my research purposes, to gain access? Were my professional views about young people's rights to autonomy intruding?

Following this reflection, I was more aware of the sensitivity of my contact with young people in foster care. Many foster carers were very welcoming, but I abandoned the idea of meeting with one young person after a negative response from her foster carer. On my initial contact, when the young woman was out, her foster carer told me that, although she had recently volunteered to take part in the research, she was 'very busy with exams'. But when I rang back after the exams, I was told that she was 'no longer interested' and was 'about to go on holiday'. The foster carer was reluctant to let me phone back and speak to her later. I was concerned that it would probably cause too much tension for the young person within her foster home to try to talk to her.

### **Ethical issues**

Until quite recently research has treated children as objects of study. Woodhead and Faulkner (2000) argue that developmental psychology research, for example, has used and denigrated children. There are numerous examples. Gesell, in the 1920s and 1930s, studied babies in a giant 'test-tube' dome with complex apparatus for observation. Skinner (1972) (cited in Woodhead and Faulkner, 2000) studied his baby daughter in a 'box' where the environment could be controlled to suit her parents' convenience. The use of children, thus, as scientific objects of study clearly raises ethical issues. Traditional developmental psychology also stands accused of discriminating against children and young people by treating them as inferior to adults, as incomplete 'not yet people'. Some more recent developmental research,



however, takes account of children's perspectives and the socially constructed nature of childhood (Dockrell et al., 2000; Woodhead and Faulkner, 2000).

Most current research in social care also aims to treat children and young people with respect and much of the research in children's rights links to a model of children as 'social actors' (Qvortrup et al., 1994; Morrow, 1999). I consider this a helpful concept in research ethics with young people although it is not without difficulty as I shall discuss further below. As adult researchers it is easy to take the moral high ground and say children should be given freedom and rights and that we always treat young people as social actors. We may point to others who overprotect and control young people. Yet adults retain an ambivalence about children and young people, as discussed in Chapter One. We can shift in our thinking about young people because attitudes about their protection, control and incompetence are validated in society, in our political legal, educational and professional systems. For example, as a researcher I may maintain that young people have a right to be heard but if my own child were to be involved in research I might be more protective. Further, if we regard young people as completely independent and autonomous we can cause problems for them in their 'web of relationships' (Smart, 2007), as demonstrated in my initial contact with Timothy, described above.

Ethical issues are sometimes seen as more complex in research with children than with adults (Greig and Taylor, 1999; Mishna et al., 2004). For example, can children and young people give their fully informed consent to research? Is it really

possible for them to understand the implications of taking part in research (Homan, 1991; Greig and Taylor, 1999)? However, most ethical principles apply to all research. Issues of informed consent are key in social research as are those of confidentiality and anonymity. The importance of providing good and detailed information to children and young people as well as to adults about the nature and purpose of research cannot be ignored simply because the researcher believes that children will not understand the issues. As Mayall (2002) points out, children are often morally sophisticated, their understanding of moral dilemmas already noticeable at around the age of two years when they are able to verbalise social interactions.

It was important, therefore, in this research to be sensitive to the feelings and emotions of all those who took part. In line with Codes of Ethics for social research (Economic and Social Research Council, 2005; Joint University Council, 2008) voluntary participation and informed consent of all parties was vital. Young people and professional workers who were considering whether to participate were given a full explanation of the research and the implications for them. All those involved were given an information sheet and asked to sign a consent form. They were assured that they did not have to answer any questions they would rather not and that they could change their mind and withdraw from the research at any time (*see Appendices 5a, 5b and 5c*). Confidentiality and anonymity in reporting the research was assured to all parties. The names and identifying details of those involved were changed. Before taking part in an interview it was explained to interviewees that if

they told me something which suggested risk to themselves or another person I might have to talk to a third party about this, but that if so I would discuss with them the best way forward. Confidentiality was a particularly important issue in this study since I was talking to young people and their workers. I needed to reassure all parties that I would not pass on any comments young people had made about their workers or that workers had made about the young people. I was initially concerned that young people might not feel able to comment about their relationships with their social workers, for example, but evidence from the interview data, as demonstrated in the following two chapters, suggests this was not the case. However, one problem, as will also be seen from the findings, was some social workers' lack of confidentiality in the interviews about aspects of young people's personal lives.

Individual interviews took place at a venue acceptable to the people who took part. I planned to tape record interviews if people were comfortable with this, otherwise to take notes. In view of concerns about exploiting young people and not affording them due respect, payment was made to them in the form of vouchers for giving their time. This is quite a contentious issue in research as some researchers consider that this can influence the findings (Hill, 2005), but my rationale was that these young people's time was valuable and I was clear with them that receiving the vouchers did not depend on what they said or whether they completed the interviews. Payment was not relevant to the adults taking part as they were professionals doing so in their paid employment time.

Sharing the findings with participants is also an important part of ethical research since it serves to ‘give something back’. Dissemination does not only take place at the end of a piece of research but can be an important part of the process which feeds into the research itself (Barnes et al., 2003). Informal dissemination of the findings took place throughout the study as participants, especially the children’s rights workers with whom I had most contact, asked how the research was going. More formally, after the initial findings I sent a summary through to all those who had participated for their comments (*see Appendix 6*). This was designed in a style that aimed to be accessible to young people. Dissemination also occurred through conference presentations and a published article (Barnes, 2007).

### **Interviews with young people**

I interviewed the young people either at their home or at their rights group premises depending on their wishes. The first young interviewee, ‘Chris’, was very enthusiastic and was waiting for me outside the residential unit where he lived when I arrived. The residential staff had promised we could use the office for the interview but this turned out not to be the case. Chris offered to use his bedroom but I was reluctant to intrude on his private space. Eventually, the ‘playroom’ was offered by staff and they kindly prevented other young people from interrupting. Chris was interested in the tape recorder, had a lot to say and this was one of the more ‘rich’ interviews. Although I followed the interview guide, I made sure that the interview was flexible so that I could follow up on Chris’s concerns and interests. I also carried out my intention of answering his questions rather than

being a blank unresponsive researcher (Oakley, 1981). Although I was aware of our unequal status as adult researcher and young interviewee, I tried to make sure that the interview was as respectful and equal as possible. Some of the later interviews were less straightforward and, like Mcleod (2007: 285), I found I had to be 'open to the unexpected and confident enough to allow [my] own assumptions to be questioned'. For example, another young man who lived in a different residential unit seemed quite anxious. I tried to put him at ease by chatting generally and telling him about myself and the research. He agreed to be tape recorded but began to giggle as we got further into the interview. Here is an excerpt from my research notes:

Part way through 'Richard' started to giggle - we abandoned the tape recording. He explained that he laughs when he's nervous. Later, he told me that the last time he'd been tape recorded was at a police interview!

This event raised a number of questions for me about my own attitudes to young people in research. Had I been insensitive to his feelings about the interview and more absorbed in collecting my data, focusing on outcomes rather than process? Was this an abuse of my adult power? Had I not adequately treated him as an individual with choices, as a social actor (James and Prout, 1997; Franklin, 2002) but rather tried to control the process? How much control did he believe he had despite my reassurances about this before we started? Was I too much used to my power as an adult, perhaps from my parenting experiences, to notice the imbalance?

I needed to think back to my own experiences of lack of choice and power as a young person, myself.

A study by Hurley and Underwood (2002) found that on the whole young people involved in research, when properly briefed, did understand their rights within the process. However, as Dullea and Mullender (1999) point out, the researcher wields most of the power. Robinson and Kellett (2004), for example, question whether, though much is written about informed consent, there is enough consideration given to the ability of young people to *dissent* from participating in research.

This reflection on my behaviour and attitudes in the interview influenced a later one with a young woman in foster care. I had spent the previous two days buying a new recording device after my old one had failed. It had been difficult getting the right bits of equipment together in time but when I asked the young person how she felt about being recorded she was reluctant. Instead of trying to persuade her and exercise my adult power, I reflected back to the interview described above and recognised the importance of choice about process. Consequently we agreed that I would take written notes of the interview.

As explained earlier, drawing on ideas from O'Kane (2000) and Christensen and James (2000), I developed use of an activity after the first few interviews to help young people express their views graphically about their relationships with children's rights workers and social workers (*see Appendix I*). I provided young

people with coloured stickers to represent their views about the work of social workers and children's rights workers. I used this as a focus for discussion with the younger age group but did not use it with the older range of young people as I was concerned that they might find it rather patronising. It was useful in prompting communication where young people seemed shy. They could focus on the activity rather than having to engage with me verbally all the time. With one particular young woman in residential care, Jane, the youngest participant (aged 12) I did not use the whole interview schedule as she became rather restless, but using the activity seemed to suit her better and she became more relaxed and stayed chatting and showing me her books after we finished the interview.

### **Interviews with social workers and children's rights workers**

Once I had seen all the young people from the first project, I started the interviews with their social workers and children's rights workers. As noted before, not all the social workers for the young people were available and I managed to interview the social workers of four of the seven young people in the first project. All the interviews with professionals were conducted at their place of work (apart from with one children's rights worker who preferred to come to my office at the University) since they found this most convenient. My first social work interviewee, 'Martin', clearly enjoyed the interview and talked at great length so that I ran out of tape in the end and had to take notes, whereas other interviewees like Sandra and Dina were much more business-like and very clear about their time limits. In the second project, Faye had a similar attitude and 'made it clear she was

very busy and I was very low on her priority list' (*Research Diary*). Unlike the young people, they seemed to be aware of their power and appeared to know that they were doing me a favour. One children's rights worker was even more explicit about this and asked me to reciprocate for his involvement by coming to help with training in their team. Some of the social work interviewees had received little information about children's rights from the projects and welcomed my offers to give them more information.

Children's rights workers also varied in their contribution to the interviews. In the first project, for example, Alan was confident and quite outspoken about his views whereas Sarah seemed to be worried about saying the right thing and asked me whether Alan had said something different from her. This is a difficulty in the validity of research interviews as some informants will say what they think is acceptable to the researcher (Miles and Huberman, 1994).

### **Transcription and analysis**

Although some theorists, such as Strauss (1987), advise only transcribing those aspects relevant to the research question, I did a full transcription of all the interviews, mostly soon after they took place so that I could think about the content and begin analysis. Even so, some of the information was not clear, especially with one social worker whose first language was not English. Although he was easy to understand in person, a few sections of the tape recording were difficult to interpret. There is no set convention for transcribing all aspects of interviews though there are



certain accepted ways of recording pauses, emphases and uncertainties (Flick, 1998). Clearly some of the meaning and ‘feel’ of an interview will be lost.

Mauthner and Doucet (1998) highlight the difficulty of articulating the early process of analysis which they see as partly intuitive. The first stage of my analysis was to compile ‘contact sheets’ for each of the participants as soon as possible after the interviews (*see Appendix 7 for an example*), a method adapted from Miles and Huberman (1994). The information from each interview was collated under the following headings:

- What were the main issues or themes that struck you in this contact?
- Summarise the information you got or failed to get in the main areas of questioning.
- Anything else that struck you as salient, interesting or illuminating in the contact?
- Any ideas derived from this contact about developing the interview content or methodology?
- Cross references with other data?

Miles and Huberman (1994) suggest that this immediate reflection is an important record of first impressions that is useful to inform further interviews as well as later analysis. As noted earlier, research is not a linear process and the analysis fed in at various stages to the data collection itself, hence these contact sheets were used initially to inform and modify subsequent interviews.

After the first stage of data collection, I wrote analytic notes on the transcripts of interviews from the first research site. This line by line coding is the basis of qualitative analysis. Some of my ideas for analytic coding derived from the theoretical concepts and themes from the literature and from previous research, as described above. I drew on ideas from Miles and Huberman (1994), Strauss and Corbin (1998) and Gibbs (2002) about open coding and interrogating the data. Strauss and Corbin (1998: 223) explain the complex nature of coding as follows:

Open coding is like working on a puzzle. The analyst has to get organized, sort the pieces by color [*sic.*] (which often includes noting minute differences in shading), and build a picture by putting the individual pieces back together.

They recommend various types of questions to think about when coding such as ‘sensitizing’ questions, that is asking of the data, ‘What is going on here?’ and ‘How do the actors define the situations?’ (Strauss and Corbin, *op cit.*: 77). This helps the researcher to develop concepts from the data. There are also ‘theoretical’, ‘structural’ and ‘guiding’ questions which involve examining connections between concepts and the researcher’s changing understanding of these. For example, in my interviews young people such as ‘Paul’ and ‘Chris’ talked about workers remembering birthdays and Christmas, buying them presents or providing them with transport to meetings. Through questioning the data the idea of the importance of ‘concrete evidence of workers valuing them’ arose. Strauss and Corbin (1998)

also advise the use of *comparisons*. For example, it can be helpful to widen understanding of what is happening in the data to draw in a comparison from outside the immediate field. In my research, when looking at professional attitudes to caring for young people, it was useful to compare this with other caring such as that of parents, or of caring for disabled or older people and to consider how aspects of caring in different contexts might illuminate what was happening with regard to children's care.

Another technique I used in coding was looking for metaphors. Coffey and Atkinson (1996) explain how the researcher can gain understanding about the world of a participant by considering the metaphors they use since we all use figurative language to make sense of our experience and these may express our values or shared cultures. In my data, 'Norma' talked about her work using violent metaphors, '*hands were tied*', '*personality clashes*', '*put pressure on*' and '*fighting a losing battle*', which are significant in terms of her experience as a professional social worker. Miles and Huberman (1994) advocate other processes in analysis such as 'looking for negative evidence in the data' (p271) and 'checking the meaning of outliers' (p269) which were useful in checking that I had not ignored or exaggerated the viewpoints of different participants.

During the data collection I made analytic notes and memoranda in my research diaries. Strauss and Corbin (1998) emphasise the importance of memos in contributing to analytic understanding. For example I wrote,

Thinking about data: realised that both social workers and rights workers are problem solving but social workers are looking at wider picture of young people (in context) - also preoccupied with keeping placements going. (*Research Diary*)

I also constructed diagrammatic maps and analytic diagrams of themes and concepts to assist the analysis. I continued to use the analytic processes described above throughout the following stages of the analysis. As the data collection progressed, I drew also on further reading and on feedback I had received from presentations of the research at conferences.

I developed themes from interviews at the first project which I then talked over with the advisory group who helped me to consider these and adapt the next interviews. For example, themes to explore further included ‘qualities that young people appreciated in all professionals’, ‘young people’s dislike of being treated like children by some professionals’ and ‘young people’s tendency to excuse the faults of workers they liked’.

I transferred all my data onto the N-Vivo qualitative computer analysis package. The benefits of computer technology for analysis included organisation of the data as well as the clarity and transparency of the process of analysis (Weitzmann and Miles, 1995; Gibbs, 2002). Coding on NVivo involved thinking about the data anew. It was not an automatic transfer of coding from the previous stage. New

themes and concepts emerged ('nodes' in the language of NVivo) as I reconsidered them. I wrote memos on the computer programme, cross referencing ideas and noting data that seemed to be particularly significant through the 'memo' system. For example, in the interview with children's rights worker, 'James', I wrote the following memo, commenting on his views about workers' power relationships with young people:

Very interesting acknowledgement of lack of equality - not acknowledged by e.g. 'Alan'.

The NVivo programme lends itself also to highlighting particular passages and this contributes to a rich analysis. Initially, the theoretical concepts were included as 'free nodes'. The grouping of the 129 nodes into logical 'trees' was a process which changed several times with ongoing conceptualisation until I became satisfied with a format, based roughly on the inter-relationships of the three groups of participants but including other major categories such as 'rights' and 'professional issues'.

I then tried to fit my open coding into an 'axial' coding system which Strauss and Corbin (1998: 123) define as, 'the process of relating categories to their subcategories'. Strauss and Corbin's (op cit.) model includes identifying the following:

- a central category or phenomenon - a central idea that all other categories can be related to

- causal conditions - influences on the central category
- strategies - elements that address the central category
- contextual conditions - such as locations
- intervening conditions - elements that influence the strategies
- actions/interactions - strategies to manage or respond to the central category
- consequences - outcomes or results of actions/strategies

I attempted to apply this model but it did not entirely fit my study. Initially, I identified the *causal conditions* as the ‘organisational contexts of advocacy and social care with children’. *Strategies* were ‘advocacy models and relationships with young people’. The *contextual conditions* were those of ‘young peoples’ situations when looked after’. *Intervening conditions* included ‘attitudes to young people’, ‘philosophies of rights’ and ‘care and needs discourses’. I eventually used the categories most meaningful to my data from those of Strauss and Corbin (op cit.) cited above, also referring to Schatzmann’s (1991) dimensional analysis, a similar structural method. It is represented in the table on the following page.

At this stage I identified the *central category* as ‘relationships and caring in children’s advocacy work’. This process of ordering helped me in the next stages of analysis. I printed out the coding at the ‘node’ groupings and used these to further explore and compare concepts such as ‘best interests’ and ‘voicing’, being then able to compare relevant data from all participants at each node.

<b>Model Element</b>	<b>Applied to the Data</b>
<i>Context</i>	<i>Social care system, young people's care situations (e.g. foster care, residential)</i>
<i>Causal conditions</i>	<i>Professional organisation and training, adults' attitudes to young people, beliefs about rights</i>
<i>Processes</i>	<i>Advocacy models, relationships between young people and workers</i>
<i>Consequences</i>	<i>Positive and negative outcomes for young people (e.g. self esteem, repercussions)</i>

There are concerns with these kinds of analytic coding methods that the data are taken out of context and begin to lose their original meaning:

Our interview informants may tell us long and complicated accounts and reminiscences. When we chop them up into separate coded segments we are in danger of losing the sense that they are accounts. (Coffey and Atkinson, 1996: 52)

I therefore explored other ways of analysing and presenting the data. During the course of this process, I examined in more depth some of the data in three instances where I had interviewed a trio of a young person, their social worker and their children's rights worker. This involved more detailed textual analysis of the data. I drew on the *Listening Guide*, a voice-centred relational model, as explained by Gilligan et al. (2003) and Mauthner and Doucet (1998). This seemed most appropriate because it focuses on the centrality of *relationships* and *voicing*, both

key elements in my study. Gilligan's (1982) pioneering works on ethics of care have also been central to the study in their critique of rights based ethical frameworks (see Chapter One). Therefore this analytical framework seemed to offer a good fit. The model is described by Gilligan et al. (2003) as a four-staged process of listening to the distinctive voice of each participant and it requires the active engagement of the researcher with multiple levels of the participant's narrative. The stages are as follows:

- Listening for the plot. This involves reading the interview data to attend to the stories that are being told and is a technique described in narrative analysis by Reissmann (1993), for example. Gilligan's model also involves reflexivity, the listener's response, metaphors, images and an account of what is *not* expressed.
- 'I' poems. This involves marking down all the first person references in the text to discover how the interviewee speaks of her/himself.
- Listening for contrapuntal voices. This is a way of trying to understand 'different layers of a person's expressed experience' (Gilligan et al, 2003: 164).
- Composing an analysis – a synthesis of the entire process.

I also drew on Mauthner and Doucet's (1998) account of their adaptation of Gilligan's relational model, first developed in the early 1990s. Their model follows that of Gilligan but includes a 'reading for relationships', focusing on the ways that participants spoke about their interpersonal relationships with family and social networks. An example quoted from Doucet's reflections on research about gender and household labour seemed especially relevant to my study:



Reading for relationships enabled me to achieve a sense of balance between justice and care concerns, rights and responsibilities, independence and interdependence, and issues of autonomy and connection for women, men and children within household life. (Mauthner and Doucet, 1998: 131)

This model was useful for my more detailed analysis of the relationships between young people and their professional workers. Applied to my data, the model offered new insights about the perspectives of participants. For example, charting the ‘I’ words used by ‘Tamsin’, a young woman who was uneasy about an imminent move from residential care (*I think, I don’t know, I just, I actually, I’m really, I feel*) gave an impression of uncertainty.

‘Reading for relationships’ gave an insight into the different perspectives and voices of each participant in my trios. It drew out the conflicts and the subtleties of their interactions. For example, ‘Liz’, a young woman in foster care, said of her social worker, ‘Norma’, *‘she treats me like a 5 year old. I don’t find it easy to talk to her’*, whereas Norma emphasised the positives in her relationship with Liz: *‘We have a good relationship’*, but also said, *‘I don’t think anybody will want to go to a dark alley with ‘Liz’, I’ll tell you that - so she is very, very assertive in a way’*. This was helpful in thinking about the very different perceptions and the power dynamics of this relationship.

## **Summary**

In this chapter I have aimed to provide an account of the theoretical basis of the study, its rationale and details of the process in order to enable the reader to evaluate the findings and discussion that follow. I have also outlined the techniques I used for analysing the data. However, as discussed above, I need to be reflexive about my analysis and interpretation, and acknowledge that my presentation and discussion of the findings in the following chapters will owe to my personal viewpoint which include that of an adult, parent and ex social worker. The reader may wish to examine these with this in mind. The following two chapters outline the study findings with only a minimum of interpretation of these, and a full interpretative discussion follows in Chapter Six.

## **CHAPTER 4: THE FINDINGS: SETTING THE SCENE AND CARING ABOUT THE PROCESS**

### **Introduction to the findings**

This study looks in detail at children's rights work and social work from three different perspectives, that of young people and their rights workers and social workers. Although social workers and rights workers had a different focus and role in their work with young people this did not account for many of the differences in practice and attitudes between the two groups. The young people had similar expectations of both groups of workers, particularly in terms of their relationships since the *way* they were treated by professionals was extremely important to them. Young people tended to appreciate their advocates because of positive relationships in which they felt valued and treated as individuals. Conversely, they often felt neglected and patronised by their social workers.

The study highlights dilemmas inherent in the principles and practice of both advocacy work and social work with children and young people. Some of these arose from the structures and organisation of social care as well as the professionals' cultures, attitudes and practices. Social work practice was dogged by bureaucracy and resource issues, and social workers focused less on the young people themselves and more on the young people's families, situations and care arrangements. Dilemmas in advocacy practice arose from difficulties with strict

adherence to some of its principles such as ‘voicing’ young people’s wishes and feelings.

Perceptions of young people and the nature of professional relationships with them lie at the heart of the study and raise important questions about good practice and fundamental principles in work with young people. My main interpretation of the data will be contained in the Discussion Chapter. The study findings are presented in this and the next chapter with relatively little interpretation, and are structured as outlined below.

### **Structure of the findings**

In the current chapter, the first section of the findings, ‘Setting the scene’, begins with an overview of the circumstances of the young people in the study, their involvement in the social care system and their use of advocacy, to give a context for the data that follow. The main themes used as headings for the three major sections of the findings: ‘Caring about the process’, ‘Caring about the individual’ and ‘Caring about the consequences’ evolved from the data analysis, as discussed in the previous chapter. I wanted to look at the findings from the viewpoints of *all three* groups of participants and to include the key findings about young people’s experiences and expectations of the work and workers, professionals’ relationships with young people, their attitudes to the work and to young people and the difficulties and dilemmas for all in the work. Creating these three headings enabled me to look at these elements in a structure that included all viewpoints, since the

three different groups had particular views about the importance of the *process* of the work, the importance of young people as *individuals*, and the importance of the *consequences* of the work for them.

The first main findings section, ‘Caring about the process’, looks at the participants’ views about the *way* that the professionals worked with young people, the process, and within this about the importance of relationships between young people and their workers. Chapter Five begins with the next findings section, ‘Caring about the individual’, which is concerned with the differing attitudes of participants to the young people as individuals, for example, as competent, independent or not, as evidenced by all three groups. Finally, the section, ‘Caring about the consequences’, considers the participants’ views about the outcomes and consequences of the work with young people and the dilemmas these raise.

### **Setting the scene: the young people, advocacy and the care system**

As a background to the study it is helpful to have a snap shot understanding of the young people’s situations. Their experiences and issues are central and as such are highlighted first as a reference point as well as included throughout the findings.

The particular context of this research is that of young people who have needed social services, primarily residential or foster care because their birth families, for whatever reason, have been unable to provide this. All had received services from social workers and from children’s rights workers, usually in relation to being in care.

<i>Table 1: The Study Participants</i>				
<b>Young people</b>	<b>Rights workers</b>	<b>Rights project</b>	<b>Social workers</b>	<b>Local authority</b>
<b>Ben</b>	Daniel	B	Malcolm*	2
<b>Chris</b>	Sarah	A	N/A	1
<b>Dawn</b>	Lisa	C	Sharon	6
<b>Emily</b>	James	C	N/A	5
<b>Jane</b>	Alan	A	Martin	1
<b>John</b>	Alan	A	N/A	1
<b>Katy</b>	June	D	Sally	7
<b>Laura</b>	James	C	N/A	6
<b>Liz</b>	Keith	B	Norma	3
<b>Nadia</b>	James	C	N/A	5
<b>Nancy</b>	James	C	Angela	6
<b>Paul</b>	Alan	A	Sandra# /Dina	1
<b>Richard</b>	Daniel	B	Faye	4
<b>Simon</b>	James	C	N/A	6
<b>Sonia</b>	June	D	N/A	7
<b>Sue</b>	June	D	Leanne	7
<b>Tamsin</b>	Rita	C	Gillian	5
<b>Terry</b>	June	D	N/A	7
<b>Timothy</b>	Mary/Sarah	A	David	1
<b>Vanessa</b>	Mary/Alan	A	David	1

*N/A These social workers were either unavailable for interview or the young people did not have a currently allocated social worker*

*\* Leaving care worker (not qualified as a social worker)*

*# Unqualified social worker*

*Table 1* charts the participants, their relationship to one another, and the rights projects and local authorities with which they were associated. I shall refer throughout the findings and discussion to ‘social workers’ rather than social care workers, as explained in the introductory chapter, although two did not have a

professional qualification as social workers. As noted in the Methodology not all the social workers were available for interview, although 12 were interviewed.

***Table 2 : Demographics of the Young People***

<b>Young people</b>	<b>Age</b>	<b>Gender</b>	<b>Ethnicity</b>	<b>Disability</b>
<b>Ben</b>	18	M	W. S.	N
<b>Chris</b>	16	M	W. B.	Y
<b>Dawn</b>	15	F	W. B.	N
<b>Emily</b>	18	F	D. H.	N
<b>Jane</b>	12	F	B. A.	N
<b>John</b>	16	M	W. B.	N
<b>Katy</b>	14	F	W. B.	N
<b>Laura</b>	19 *	F	W. B.	N
<b>Liz</b>	14	F	W. B.	N
<b>Nadia</b>	17	F	W. B.	N
<b>Nancy</b>	18 *	F	W. B.	N
<b>Paul</b>	13	M	D. H.	N
<b>Richard</b>	16	M	W. B.	Y
<b>Simon</b>	16	M	W. B.	Y
<b>Sonia</b>	17	F	W. B.	N
<b>Sue</b>	16	F	W. B.	N
<b>Tamsin</b>	16	F	W. B.	Y
<b>Terry</b>	20 *	M	W. B.	Y
<b>Timothy</b>	15	M	W. B.	N
<b>Vanessa</b>	14	F	W. B.	N

W.B. = White British

W.S. = White Serbian

D.H. = Dual Heritage

B.A. = Black African

*\* These young people were also receiving rights services in relation to their own young children.*

*Table 2* charts the young people's age, gender, ethnicity and disability. Their age range was 12 to 20 years with a median age of 16. There were slightly fewer young men than young women in the sample and there was a majority of white British young people. This profile of the sample needs to be borne in mind in considering the findings. Those young people who are listed as having a disability had been diagnosed with a range of learning disabilities including Asperger's syndrome and autism.

<b><i>Table 3: Young People's Care History and Current Living Situation</i></b>			
<b>Young people</b>	<b>Time in care (years)</b>	<b>Foster/residential care history</b>	<b>Current living situation</b>
<b>Ben</b>	0.5	Foster	Supported Housing
<b>Chris</b>	3.5	Residential	Residential
<b>Dawn</b>	1	Foster	Foster
<b>Emily</b>	14	Foster	Foster
<b>Jane</b>	8	Both	Residential
<b>John</b>	2	Residential	Residential
<b>Katy</b>	3	Foster	Foster
<b>Laura</b>	3	Foster	Tenant
<b>Liz</b>	7	Foster	Foster
<b>Nadia</b>	10	Both	Tenant
<b>Nancy</b>	3	Foster	Supported Housing
<b>Paul</b>	1.5	Both	Residential
<b>Richard</b>	3	Both	Residential
<b>Simon</b>	N/A	N/A	Supported Housing
<b>Sonia</b>	3	Both	Supported Housing
<b>Sue</b>	1.5	Foster	Foster
<b>Tamsin</b>	1.5	Both	Residential
<b>Terry</b>	4	Both	Tenant
<b>Timothy</b>	2	Foster	Foster
<b>Vanessa</b>	2	Foster	Foster



*Table 3* charts the young people's living arrangements and their care history. As explained in the Methodology Chapter, all the young people included in the study, apart from one who was living in supported housing, had experienced foster care, residential care or both. Several also had leaving care services. A few young people had been in foster care for a long time, although this varied from six months to fourteen years in the sample. The median length of their time in care was 3 years.

Those few who had been with the same foster carers for many years said they were very settled and regarded their foster carers as quasi parents. One young woman, Liz, who had been in foster care for seven years said her foster carer was '*like my real mum*'. However, others had never had satisfactory substitute care, had been moved a lot or had been forced to move from care situations they themselves regarded as suitable. None of the young people currently in residential care were settled since other accommodation was being planned for them, either foster care or semi-independent living. This 'placement instability' is a repeated finding in the figures produced annually by the Department for Education and Skills (Ahmed, 2008). Even those who had moved into supported housing or tenancies said they were often struggling to maintain their living arrangements because of financial difficulties, a common experience for care leavers (Wade and Dixon, 2006).

Some young people still felt quite isolated when they were in foster care or residential care. An extreme example of this was the experience of a young asylum seeker, Ben, who talked about being in foster care when he first arrived in the UK.

He said that the foster carer locked him out of the house all day without any money while she went to work, and told him to go to school although he spoke no English and could not find the school's location. He said,

I didn't know even [the support worker] then. I didn't know no one. I didn't have any friends even. I was just on my own.

For other young people, this sense of isolation was more about estrangement from their family since they still had strong emotional attachments to birth family members. Some were placed in the same foster family as a brother or sister but said they still wanted to see their other siblings more as well as their parents and members of the extended family.

It is within this context of young people's unsettled living arrangements, feelings of isolation and loss of family relationships that social workers and children's rights workers are engaged to provide help and support. Without accessible networks of family relationships many of the young people were reliant on professionals for practical and emotional support. From the interviews with young people it was apparent that these relationships with professionals, for good or ill, were very important to them.

### **Why children's rights and advocacy?**

All the young people had received *individual* advocacy services, the main focus of this study. Some young people had also attended children's rights group meetings which varied in their remit. Some of these groups had an educational function to help young people understand more about their rights. Other groups encouraged young people to share their experiences and problems, whilst others provided a forum for consultation for the local authority to help improve services. However, these group activities are not the main focus of this study.

The issues for which the young people sought individual help from their rights workers related mainly to the perceived failings of local authority social care services. It should be acknowledged here that this group of young people were a small proportion of those receiving local authority social care services in the study areas and are therefore not representative. Because they had requested help from rights and advocacy services it might be argued that they were more likely than other young people to have been experiencing difficulties with the social care system and to have negative views of it. They may also have been the more confident young people since they had volunteered to take part.

In common with other research into young people's complaints and advocacy services, young people in the study requested assistance largely about matters for which specific social workers were responsible (Oliver et al., 2006; Pithouse and Crowley, 2007). For example, as discussed above, young people said they wanted

more contact with members of their birth family, especially parents and brothers and sisters, and they relied on social workers to facilitate this contact since these professionals had the information and authority to do so. Social workers were also responsible for helping young people to deal with difficulties arising from their placements such as problems in their relationships with foster carers, residential staff or with other young people living there. Other studies have shown that bullying in residential care is a major problem for young people (Clough et al., 2006). The younger age group needed help to access resources such as money for clothing, pocket money or trips away, whilst the older group needed help with finding suitable housing or financing their further education.

In respect of all these issues, children's rights workers were often asked to help with the failings or omissions of social workers. Young people said they wanted rights workers to assist in making complaints, but they also wanted help to get their views across at statutory reviews or to challenge decisions made by social services about, for example, a change of placement. Less commonly, young people said they wanted support with legal challenge to the local authority. This was certainly the case with the three young people who had children themselves and who wanted advice and support from rights workers in court proceedings where the local authority was questioning their ability to parent.

Young people also asked for help from rights workers with school problems such as bullying or school exclusion. It is less clear whether some of these issues were the

direct responsibility of social workers or of education workers and some young people themselves were unsure who to ask. For example, John said he was having quite a few problems with school work and he used a combination of professionals to help, his social worker, education welfare officer and his rights worker. He seemed to regard these roles as interchangeable and some other young people also said they saw little difference between the roles of social workers and those of rights workers. Dawn, for example, said, '*they're dealing with the same sort of things for me*'. Rights workers themselves said they were concerned that they might be doing the work of social workers. For example, Rita said, '*sometimes I do play more of a social worker role*'. Alan and June both talked about '*filling the gaps*' left by social workers not doing their job and June said, '*Sometimes I think I'm a social worker*', because of this but complained that this should not be her role.

Having looked at the relevant background details of the participants, the next three sections outline the main findings of the study.

## **Caring about the process**

In their work with young people, social workers and children's rights workers assume different roles. The focus of social work with young people is on assessment of their needs, review of their progress and planning for their future, in line with legal and policy requirements. Social work aims to take a holistic view of the individual young person, considering their development, their environment and their family and carers, in accordance with assessment frameworks such as the

Framework for the Assessment of Children in Need and their Families (Department of Health, 2000). Children's rights work with individual young people focuses on representing them, challenging decisions on their behalf and helping them to 'voice' their wishes and feelings. Despite these differences, however, there are many common elements in their work with young people, as noted earlier. It is the role of both groups of workers to form a professional relationship with young people to facilitate their work and to help and support them. Workers in the study talked about having the '*same aims*' (Sarah) and both groups having '*the welfare of young people at heart*' (Rita).

As noted above, young people said they wanted social workers and children's rights workers to help solve problems like needing money for new clothes or being separated from family members. However, they emphasised that the *way* that professionals offered help and support was extremely important to them, that is the *process* of the work with them. Young people in the study talked about many aspects in the *process* of the professionals' work with them that they considered important. These can be grouped as follows:

- Providing a basic quality of service
- Demonstrating *care* in relationships
- Assuring confidentiality as far as possible

There is some overlap between the categories listed above since the quality of service could also be construed to include the other aspects, 'care in relationships'

and ‘confidentiality’. I use the phrase ‘basic quality of service’ to mean a basic minimum that all participants agreed should be provided. For the young people it was demonstrated in such qualities as workers being contactable, reliable and honest. I have categorised this aspect of the service separately to distinguish it from more personal aspects of their relationships with workers that made them feel valued and cared for, such as listening and respect. Most young people in the study said they experienced a difference in the work of the two groups of professionals in all of the above categories, a difference that was not explained by the differing roles of the two sets of workers. The young people were more positive about children’s rights workers’ performance in all of these, yet both social workers and children’s rights workers could be expected to be reliable, to care and to talk to young people about their wishes.

The professionals’ views about the *process* of their work with young people also differed. Whilst most acknowledged the importance of, for example, building good relationships with young people, the children’s rights workers considered that they achieved this whilst social workers said they regretted that this was difficult or even impossible for them. Rights worker, June said, ‘*I actually think the process is as important, if not on occasion more important, than the outcome.*’ Evidence from the data suggests that social workers were hampered from concentrating on the process of work with young people and were more concerned, for a variety of reasons, with the outcomes of their work.

### **Providing a basic quality of service: young people's views**

People expect a basic minimum standard from any service, and the elements discussed below are common to most professional relationships, such as those within the health and legal professions. Participants in the study talked about the importance of workers' availability, efficiency, reliability, honesty and keeping young people well informed. I shall start with the young people's views about the service they received before looking at the workers' views. Young people's expressed concerns were about being able to make contact with professionals easily, whether they got a speedy response and whether professionals kept their word or let them down.

### ***Contacting workers and their response***

All young people in the study said they found the rights workers easy to contact and responsive. They said they appreciated a quick response from workers and, with few exceptions, that they received this from children's rights workers. For example, one young woman, Nancy, who had received support from a children's rights service to keep her own young children said,

I can ring 'James' any time and he'll get back to me straight away. He'll talk to social workers and sort it out. He'll try his best.

The young people's comments about children's rights workers were about them acting speedily on their behalf. For example, Stuart said of his rights worker, 'He



*always gets stuff done'*, and Timothy said, *'I always tell children's rights cos they'll sort out with it straight away'*.

In contrast, the availability of social workers was a major issue for many of the young people in the study. Whether they were in foster care, residential care or living independently, they said this was important for them to access help with matters like finance, contact with family and accommodation or placement problems. Because of staffing shortages three of the young people did not have a social worker at the time of interview and others said they had gone for long periods, some of a year, without one. One young man, Ben, talked about the problems of seeing different people at social services because he did not have his own worker:

You go to ask for something, you know, and you see one. You go another day and you see a different one who doesn't know you and asks, 'What did you talk about the other day?', you know. So I never really did get what I wanted.

Although the rest of the young people did have social workers they expressed frustration about the difficulty of making contact with theirs. A few young people mentioned social workers who had been responsive but these were a minority. Nadia, for example, said,

I mean it's a bit annoying really when you phone up and like every time you phone up, 'They're not around at the minute', or, 'They're not here', 'off on annual leave' or something else.

Similarly, Vanessa said,

When I phone up he's always engaged and if I do phone up it's, 'Oh, I'm busy, I've got other important things to do'. And that's what I don't like.

The young people talked about delays in social services doing important things for them. Sonia commented, *'Everything takes ages with social services. They don't rush nothing'*, and Chris complained about a two year delay in getting a passport through his social worker.

### ***Not letting you down***

Another issue young people said was important to them was the reliability of their workers. They talked about appreciating the children's rights workers who they *'can rely on'* and *'actually keep to their word'* (Chris) and *'stick to their promises'* (Timothy). On the negative side, some young people talked about being let down by workers. For example, Chris talked of his annoyance about his social worker being late all the time:

Well, the last time I got fed up of waiting for her cos I mean I once had to wait for an hour and a half in town.

Vanessa also talked about being angry because her social worker was not turning up at all for meetings:

He never turns up to my review either. And that was last week and I come home early especially to see him and he never turned up and I got really angry cos I could have hanged out with my friends.

Timothy complained that his social worker was '*sloppy*' and had lost the forms that he needed his mother to sign for his TB vaccination at school. Some of the young people such as Stuart, Katy and Emily complained that social workers forgot altogether to do things for them. Emily was due to travel to see her family. She said,

I had one social worker that completely forgot and then phoned up and hadn't arranged it and it was like for the next day - the travel arrangements. And that was to go down to Devon. It weren't like I could just sort it out myself.

### ***Honesty and trust***

Young people in the study also expected their workers to be honest and to give them accurate information, and the young people said they felt able to trust their rights workers to do this. Nadia, a 17 year old, living independently, said that despite her experiences of moves and rejection in the care system she was able to trust her rights worker:

I find it hard to trust people, to let people walk into my life and sort of deal with me. And I haven't found any difficulties with her [rights worker].

The young people said they found it difficult to trust workers who themselves were not honest and some gave examples of this. Laura said she had been persuaded to go to an assessment centre by her social worker on the understanding that her friends and family would be able to visit, but after moving in she was very angry to find this was not the case. She showed me a dossier she had kept on one of her past social workers to prove how much the worker had lied. Tamsin said she felt that many things were talked about behind her back. She was in residential care and said she had not been kept informed about an immanent move:

I just find there's a lot of things hidden from me, you know, like if something's been said by someone else, you know, it don't get passed on to me what they've said and the social worker gets a bit of information and that may not be true.

Some of the young people expressed a general mistrust of social services. Chris, for example said, '*with social services you never know whether they're lying*', but he trusted the rights workers. Even when they were late or cancelled meetings he said their reasons were genuine and '*acceptable*'.

Some young people such as Dawn, Timothy and Paul made excuses for their social workers providing a poor quality of service, saying this was because of the workload pressures they were under. Dawn said, '*Social workers have always got loads of things to do.*' However, evidence from the interviews suggested that the young people still felt angry, frustrated and devalued and saw the lack of a basic quality of service as a symptom of them not caring, as I shall explore further, later in this chapter.

### **Providing a basic quality of service: professionals' views**

Like the young people quoted above, it is evident that workers considered a basic quality of service important, but children's rights workers placed more emphasis on this than the social workers. Children's rights workers talked about their own quality of service mainly as relative to the poor service provided by social workers, whilst social workers talked mostly about the difficulties and constraints in their work. The workers' quality of service was affected by the importance they attached to providing a good basic service and by resource problems such as staffing, finance and workloads.

### ***The importance of a good basic service***

Children's rights workers in the study emphasised the importance of a good quality of service in terms of efficiency, reliability, honesty and so on. James said,

I really put so much more importance on the little things, sometimes, like keeping young people informed, seeing them when you said you were going to see them and turn up on time, make a phone call when you said you were going to do it.

The rights workers also said that providing a good basic service was, for them, about acting differently from social workers. They complained about the inefficiencies of social workers and contrasted their own work with this. Again, James, for example, contrasted his availability with that of others and stressed the importance of *responding* to young people:

I suppose my main thing is to - is one about response to the young person. If they contact you, you need to actually be there and respond to them, because I think you fall into the trap about what they feel about other practitioners who are not available.

The 'other practitioners', though not specified here, are clearly, from the context of the interview, social workers and James evidently felt there was a danger of young

people thinking rights workers were the same. Like James, Alan compared his own practice with young people to that of others:

I think it's really, really important that you are the one person that does not let them down because they're let down everywhere else.

He expressed anger about this on behalf of young people and stated clearly that he saw it as social workers being unprofessional but also not caring:

It hasn't entered their head that they're letting somebody down until somebody tells them. Now as a professional you should... you shouldn't even be at that level where you start letting people down because your professionalism and your *genuine care* for that young person should have kicked in at a much higher level.

It was evident from the interview with Alan that he did not separate providing a good service from caring and that he felt social workers really did not care about young people. In this he was unlike other rights workers who expressed more sympathy about the pressures that social workers experienced.

Rights workers also emphasised the importance of being *honest* and giving young people clear and accurate *information*, which, as noted above, are a key part of building mutual *trust*. Daniel, like other rights workers, wished to disassociate

himself from social workers who he believed were not honest, saying, *‘I’m open and honest and different from a social worker’*.

Rights workers talked about the importance of sharing information with young people about the process of the work with them and about their rights. They also talked about sharing information about what had happened in young people’s lives in the past. June said that some of the young people she worked with did not know about important court orders that had been made about them when they were younger. Mary speculated that social workers withheld information from children and young people in, what she saw as a misguided attempt to protect them:

We have a culture still that we don’t inform them about things because we think it’s abusive to tell them certain things that may be upsetting for them.

She said that young people needed to have this information so they had the opportunity to talk about these upsetting experiences. This relates also to the view that social workers had a more protectionist attitude to young people, as I shall discuss further in the following chapter.

One of the social workers talked about their own quality of service in responding to young people. Martin said,



When 'Jane' demands something I respond on time, because when she says she needs this - like my own child - when my child says, 'I need bread' or 'I need anything', I stop and respond to it, I respond now.

However, other social workers talked more about the difficulties in their work with the young people than these positive aspects.

### ***Resource and organisational problems***

Most professional workers in the study said that the quality of service they provided to young people was affected by resource problems. They said that the lack of resources in the social care system in terms of money, workloads and staffing had a profound effect on this service. They also commented on the problems posed by bureaucratic demands. Whilst there was little dispute about the reality of resource shortages and of bureaucracy in social care, participants in the study had differing views about how these affected work and relationships with young people.

Social workers in the study complained about their workloads and maintained that these affected the quality of their work with young people. Sandra complained that the service was '*resource driven, not need driven*', and Angela said,

Young people are not properly protected because of social workers' high case loads. Social workers don't have time to do their job properly.

Workers also blamed the burden of paperwork in social care. Rights worker, Rita talked about '*paperwork and procrastination*' in the care system while another rights worker, Keith commented as follows:

A lot of social workers, care workers, and so forth are so tied down with paperwork and that type of resource that they forget the social work part which is really frustrating - for them, the young people, for us.

Although these comments came from rights workers, they were echoed time and again by social workers who commented on these and other pressures. Norma, for example, complained,

We've got too much responsibility. We've got to catch up with the files, we've got to do the review. We've got to do the paperwork and everything - and the children as well.

I considered that the children seemed almost an afterthought, as if the bureaucracy were taking over from working with them.

### **Demonstrating *care* in relationships: young people's views**

It is difficult to separate elements of basic service provision from those of caring as the two were often linked in the data. They certainly seemed, according to the young people, to coexist in individual workers so that if a worker was deemed

efficient he or she was usually also described as listening to them and being respectful. The views of Chris, a young man in residential care, about what made a good social worker illustrate this combination of qualities,

Well, they listen to you. They'll respect your wishes and like - they never leave you lonely and if they say, 'We'll get back to you', they do it.

One of the main messages that came across in the study was the importance to young people of the quality of their relationships with professionals. A good service was important to them but they said they wanted workers who also *cared*. Young people in the study talked about the importance of professionals respecting them, listening to them, valuing them and showing interest, qualities that demonstrated that the professionals cared about them. Although this group of qualities could be seen also as evidence of a good basic service, they appeared to mean more to the young people and were taken as reflecting the workers' personal attitudes to them.

### ***Respect***

Evidence from the interviews suggests that young people felt children's rights workers respected and cared about children and young people. For example, Timothy said of rights workers: '*I think they're understanding and they respect me.*' Young people also said they expected this of social workers, and Chris said it should be more integral to their training. Evidence of a lack of respect made him

particularly angry and he was extremely negative about some social workers' attitudes:

Well, the way that they say things it sounds like they're speaking to you like you're dirt or something.

The young people said they saw evidence of respect in workers listening, being there for them, valuing them and treating them as equals. I shall give more detail of the participants' views about equality issues in the next chapter.

### ***Listening***

The importance of listening was a very common theme among the young people. Dawn, for example, explained her feeling of powerlessness to be heard by professional workers: '*Sometimes I feel no one's listening.*' Young people in the study such as Dawn, Terry, Katy, Sonia, Nadia and Liz mentioned explicitly that they appreciated children's rights workers because they did listen to them. Ben also said of his rights worker, '*He listens to what I have got to say and respects my view.*' Similarly, Chris said,

Rights of children's attitude are brilliant cos they're actually always polite, always willing to listen to you and always understand you.

Some young people mentioned social workers who had listened, but a more common view was that they did not. Sue said she blamed her social worker for having to move from her foster home against her wishes and she said of social workers,

They don't listen to children's views - don't listen to what we want. They just jump in at things like a bull at a gate and think that they've done their best - but sometimes they don't.

Katy also expressed her frustration at not being listened to by her social worker about wanting contact with her family and other requests:

I'll say it to her but she doesn't listen to it. So like how I feel when I first tell her, I still feel it a month later, 2 months later, 6 weeks later, like 6 months later. So she doesn't really help. I feel that she doesn't even listen to me.

She explained that she felt it was because her social worker thought she knew best rather than taking into account the views of Katy herself:

I think she's trying to do what's best for me in her eyes but not listening to what *I* think's best for me.

This view is linked to the debate and dilemmas about professionals working in children's best interests, a key principle in social work with children and young people and one that polarises the views of rights workers and social care workers (Boylan and Dalrymple, 2009). Katy's view also raises questions about treating young people equally as individuals. Participants' views of both these issues are explored further in the next chapter.

Some of the young people talked about why they thought social workers were not listening. Timothy said he thought his social worker did not listen because of his workload: '*he's got so much to do*'. He also complained that the social worker listened more to his foster carer rather than him. In a similar vein, Liz said her social worker listened to her mother and father rather than to her. As discussed further below, some of the social workers explained their role as managing young people's care and liaising with relatives and other professionals, rather than working with young people themselves.

### ***Being there for you***

Evidence of care and respect was also seen by young people in terms of professionals 'being there for you' in the sense of being on your side. Laura and Dawn both said children's rights workers are '*there for you*'. Laura said this was '*to make sure you're being treated right*'. Tamsin and Liz also talked about social workers who had '*been there*' for them in the past in terms of '*fight[ing] your*

*corner for you*’ (Tamsin) and *‘standing by me’* (Liz). Chris, however, said there was a difference in this between rights workers and social workers:

But I will say the difference is between children’s rights and social services that social services aren’t always there to back you up and with rights of children they are.

Timothy explained this as a difference in motivation and talked about children’s rights workers as altruistic in comparison with social workers:

Advocacy means that it’s like someone who’s there for you and an advocate in my mind is a person who’s here for another person, not for their own personal gain or not for their own, like, thing.

### ***Concrete evidence of valuing***

Young people said they felt appreciated and respected by workers who showed concrete evidence of valuing them and who showed that they cared. They mentioned, for example, being provided with taxis to meetings by children rights workers or workers taking time to say a proper goodbye when they were leaving. Young people also talked about receiving or not receiving presents from workers. Paul and Chris talked about presents they had received from social workers. Paul said of his social worker, *‘the thing about ‘Sandra’ is that she remembers my*

*birthday and Christmas and stuff like that.* ' Jane, however, complained of not being remembered by her social worker in this way.

Some of the young people said they felt devalued by workers showing a lack of interest or having an impersonal attitude to them, demonstrating that they did not really care. The following two young people, Sue and Tamsin evidently felt very undervalued by their social workers:

*Sue*            I don't think they really care. I just think they're just there, sort of thing - doing a job.

*Viv*             What makes you think they don't care?

*Sue*             I dunno. They're just there doing a job, ain't they? - like a person in an office is doing a job.

*Viv*             Mm - so it doesn't feel as if you're important to them?

*Sue*             Just another name on a computer screen.

*Viv*             And what do you think their attitude to you is?

*Tamsin*        Another kid.

*Viv*             Another kid? So you don't feel that they treat you like an adult, a young adult?

*Tamsin*        No, they can do, you know. But like, someone come along - you sort them out, another one comes along - the other one's gone.



*Viv* Right, so they don't treat you like an individual then?

*Tamsin* Yeah.

This view of social workers as mechanistic and uncaring was a strong indictment of their work. It links to the section in the next chapter, 'Caring about individual young people', which will consider the participants' ideas about the organisational and attitudinal conditions that may account for this. One of the difficulties in young people's overall relationships with social workers was the staff turnover in social work. All but one of the young people, who failed to get a social worker when he needed one, had experienced changes of social worker. Many said they had been allocated four or five, and two young people said they had had about twenty. Some young people remembered social workers they liked who had moved and said they sometimes found it difficult to start again with a new worker. Simon said,

I got on with the first one well then had to change. It was C. - I was just getting to know her, then had to change again.

Several of the young people said that having to start anew with new workers so frequently had a damaging effect on these relationships.

### **Demonstrating *care* in relationships: professionals' views**

Like the young people, workers in the study also talked about the importance of *respect, listening, being there* and *valuing* young people in their relationships. As

with the ‘basic service’ qualities, the rights workers talked more about their practice in this respect than social workers who talked about the difficulties inherent in practising these ‘caring’ qualities. Rights workers talked about the importance of building positive caring relationships with young people. Whilst social workers also said they appreciated the value of good relationships with young people, this was a more complex and problematic area for them and they talked about difficulties in these relationships due to time pressures, resource issues and their overall responsibility for the young people. I have categorised the factors influencing the quality of relationships as:

- Recognising the *need* for demonstrating care in relationships
- The value attached to the relationship itself
- Organisational constraints on relationships

### ***Recognising the need for demonstrating care in relationships***

Rights workers June, James, Lisa and Rita talked specifically about the importance of respect. For example, June talked about the importance of a ‘*respectful, kind of cooperative type of working relationship*’, even if the worker could not achieve all a young person wanted. All the rights workers also talked about listening to young people. This was seen by some partly as an end in itself for young people whatever the outcome. James said it was a way of ‘*conveying that you actually do care*’.

Similarly, June said,

I think they benefit from the process of someone listening to them and reflecting honestly what they're saying.

Daniel also said how important this was in his work with young people and how much they appreciated it:

They gain self confidence, appreciate being listened to. They say, 'It was great that someone listened to me for the first time since I've been in care.'

Keith commented that it was the role of advocates to be '*making sure that people listen*' to young people. He, along with other rights workers said that social workers did not listen to young people. June, for example said,

I've been in meetings with young people where social workers will blatantly tell the young people how it is - tell them what their problem is - tell, tell, tell - and not listen at all. And that shocks me - it really does shock me.

Some social workers said they thought it was good that children's rights workers were available to listen to young people independently of social care. Norma, for example, said rights workers were, '*somebody over there who is listening to the children's view*.'

Rights worker Sarah talked about the importance of valuing young people by remembering their birthdays as had young people in the study such as Jane and Paul. Another rights worker, Alan, said he recognised the importance of '*going out of our way*' to provide taxis to get the young people to meetings, something appreciated by Chris.

### ***Valuing the relationship itself***

Rights workers talked more than social workers about the importance of relationships, their positive nature and the mutual rewards of these. Some social workers also said they appreciated good relationships with young people but for others this did not take priority over other aspects of their work. There was a continuum of views about professional relationships with young people, ranging from the view that relationships were the key element in this work, through ideas about keeping a professional distance, to a view that there need be no direct relationship as such in work with young people. The one extreme was expressed by rights worker, James:

In fact, more and more I think about it, I think the relationship is absolutely - well it is - it's the most important bit of all, really.

Like James, rights workers June and Keith said they saw relationships as central. June said of her work with young people, '*I use a quite relationship led kind of model really*'. She said that especially the more isolated young people wanted to

have an ongoing relationship with her and even made up pretexts for asking to see her. They *'make up things to want advocacy for'*. Keith too said he saw building a relationship with young people as an end in itself:

The success can be about building a trusting relationship with somebody, cos a lot of the young people I deal with don't trust anybody, and social workers and managers and carers are all sort of people who are still quite alien. And to have someone who for a brief period can be trusted and trusted to represent them and be their friend and be their person - that's very rewarding. It makes you feel as though it's worthwhile.

Like Keith, other workers interviewed acknowledged that they themselves found the relationships with young people rewarding. For example, rights worker Mary commented that even when she was unable to resolve an issue, the relationship itself was positive for her:

You may not be able to sort it out, ever, or it may take a while to sort it out but you are at least dealing with that young person direct and working together and they are seeing that you are helping them and you are challenging whatever it is they want challenged. So it's just so rewarding in that sense.

One of the social workers, Martin, also talked about a '*positive relationship*' with a young person he was working with, Jane, a young woman in residential care, which he said was '*professionally fulfilling*'. In contrast with this view, some of the social workers talked explicitly about keeping a professional '*distance*' in the relationship. Leanne said:

Even when ...from the young person's point of view, you know, when they're angry about something or confused about something, I try and see - try and separate myself from the emotions of that really and sort of take a step back.

Leanne explained that 'stepping back' was a matter of protecting herself from the emotional turmoil of her work when there were difficulties. As discussed further below, difficulties in their relationships with young people occurred more frequently for social workers, and participants in the study cited a number of reasons for this including those of resources and workloads.

Other social workers did not place emphasis on their relationship with young people at all. Sharon, spoke of the importance of '*building a rapport with the child*', but later in the interview explained her role as follows:

It's not really working with children - it's looking at the children's needs but working through the parents. So I don't often work directly with the child.

Another of the social workers, Gillian, said she did not see it as her job to have any sort of direct relationship with young people for whom she was professionally responsible, saying, '*we don't work with children per se*'. This view is at the opposite extreme from that of rights worker James, quoted above, who stressed the centrality of relationships in his work with young people.

***Organisational constraints on relationships: decisions and procedures***

Some of the social workers explained why simply listening to young people was not so straightforward for them. For example, Leanne said that she did listen to young people in her work and did involve them in decisions. However, she also explained that she had to make decisions that young people did not like:

I can listen to their views and their opinions and take on board what they want to say but ultimately I have to make a decision in the whole scale of - you know - sort of balancing rights and sort of choices with having to make decisions that they might not necessarily be in favour of.

She reflected on an example where she said that perhaps she and other professionals might have listened to the young person more, even though the outcome might have been similar:

I'm just thinking of one example where a young person made some allegations about some things in placement - and in my opinion, I think there might have been a bit of a rush to deal with that and the young person felt very lost in it all and actually said to me, 'Actually if you'd have listened to me and what my views were on how it should have been dealt with, you know, I might have felt very differently about the situation now'. Cos I think she feels that things have been made worse really. And I thought at the time, 'Well yes, I wonder if it was sort of all the, you know, all the professionals moving in - and suddenly thinking, "Right, this is how we deal with it" - and moving on.' And I'm wondering how lost she was in that. Or even if it still had to be done that way, which I think it probably did, I think she probably did get lost in that - in terms of - maybe she didn't feel that she was being heard properly.

Leanne explained that she thought rigid agency procedures sometimes got in the way of listening to young people. Her comments relate to the difficulties and dilemmas for social workers of working within a bureaucracy as discussed further in the next section. Similarly, social worker Sally said that even though she listened



she could not grant a young woman's wishes for family contact because of court directions and child protection issues in the family:

We have listened to 'Katy's' view and when I placed her in the foster home I told her contact would be every 2 months rather than every month. She was very distressed.

However, the young people in the study tended to interpret the social workers' behaviour as not listening and not caring as I have demonstrated in their comments above, and one of the rights workers, June, complained about social workers' risk aversion, calling it '*cover your back culture*'.

As regards *being there* for young people, it was acknowledged by social workers and rights workers that this could be easier for children's rights workers. They did not have to make unpopular decisions in relation to risk or face the same sort of resource problems as the social workers. Rights worker James acknowledged this, saying,

For young people to come to an advocate, they often probably don't have any other contact with other adults who can provide them with the information, or don't feel they've got contact with adults who are going to be totally on their side.

Social worker David, however, said with regard to the young people he worked with, *'I'm there, even though they say different sometimes. I'm there for them at the end of the line.'* Evidently he recognised that young people did not always appreciate this.

***Organisational constraints on relationships: bureaucracy and time***

Besides affecting social workers' good practice with young people, professionals said that bureaucracy and lack of time also affected the quality of their relationships with young people. Social workers blamed the *'rules and regulations'* for not being able to get involved more closely with young people. In line with the comments of young people such as Sue and Tamsin above about being *'just another name on a computer screen'* or *'another kid'*, social worker David described his work as *'robotic'* and said,

Social work these days is just so bureaucratic - you're just in and out basically. I miss the old type of social work where you can really get involved.

Like the rights workers quoted earlier, social worker Norma expressed the positives of having good relationships with young people but she said she also found this difficult to do. Like other social workers she reflected a gap between what she thought she should be doing and the reality of her practice. Referring to the young person she worked with, Liz, Norma said, *'we have a good relationship with each*

*other and she's actually come forward in her confidence now.'* Later in the interview, however, she repeatedly complained about the impossibility of spending '*quality time*' with her and other young people because of all the other, mainly bureaucratic work she needed to do. She said, '*We no longer work as a social worker, we work as an admin. officer*', maintaining that social workers were no longer doing the job they were meant to, that is the 'caring', relational element of social work. Similarly, Sally complained,

The difficulty is, as a social worker in a child care team, we're under time constraints. We don't have time to work on a one to one basis and build a rapport so that the young person feels comfortable with us - we don't have time.

David said that this lack of '*quality time*' illustrated a change for the worse in social work, adding,

We've got a lot of clients now to see, youngsters, and actually, that's unusual - finding a social worker sitting down for an hour or two or taking somebody out to do something. It is a rarity.

Some children's rights workers said they understood the pressures social workers faced. Mary said,

I hear constantly, ‘A good social worker should be spending time with this young person and sorting this out.’ And a lot of social workers know that but they just don’t have the time to do that. They’ve got too many cases.

Rights worker June’s similar comments allude to a change in social work that participants in the study frequently complained about, that is social workers’ inability to provide a ‘caring’ service:

A lot of social workers are under such phenomenal strain to close cases - to get stuff done quickly, to, you know - that they lose sight of what they might have done that job for in the first place.

Overall, professionals in the study spoke of many obstacles to social workers demonstrating that they cared about and valued young people and they talked about the impact of this on young people’s views of relationships with social workers.

### **Assuring confidentiality**

Providing a confidential service to young people is partly about the *process* of the work but it also relates to the next section in terms of focusing on individual young people and their rights. Young people said they appreciated confidentiality in their relationships with professionals but this was more problematic for social workers, who, by the nature of their protection role, had to share information about risks to children and young people with other professionals. They were used to working in

an inter-agency and inter-professional way in relation to young people and were less inclined to keep confidentiality even when no risks were involved. This was very apparent to me as a researcher. Unlike the rights workers who maintained the young people's confidentiality in interviews with me, social workers shared confidential information about young people that I had not asked them about.

Young people in the study said that confidentiality was very important to them and they considered that rights workers offered them a confidential service. Liz, said, *'You tell them something and you know that it's confidential.'* Similarly, Timothy: *'You can tell them and they don't go back and report it.'* Liz explained why this confidentiality was important to her. She said,

Otherwise children won't... young people or children won't be able to speak their mind if they can't think that you're going to keep it to yourself.

Young people also said they appreciated that there were limits to the confidentiality that their rights workers could assure them, as Sue explained, *'Obviously, she'd have to tell somebody if I was in danger or something like that.'* Timothy also described how this was clearly explained to him by rights workers:

The advocates here are very confidential. They ask you who they can tell and what they can tell them and if you don't agree they don't tell them. Only if you're - you're always told that if you say you want it kept

confidential, they say if anyone else is at risk or you're at risk of being harmed or something happened, they have to report it so you get told straight away. But I think that's fair at the end of the day because you can't see somebody who's been affected by something and just leave them.

In contrast, young people did not feel they received a confidential service from social workers. Lucy complained, '*A social worker'll go back and tell their bosses or something like that.*' and Sue said, '*Some things you tell a social worker and they **all** know about it.*' Timothy also said,

They have to tell their manager and then they have to look at your file and then all the other social workers might see your file and then you think, 'Well who else sees this file?'

The professional workers also talked about the need for confidentiality. Rights workers were very explicit about this and confirmed the views of the young people quoted above. This rights worker, Daniel, explained how he handled this issue with young people:

I pass on what people tell me they want passed on. Child protection stuff needs to be passed on. I'm clear with young people about that right from the introductory meeting.

Another rights worker, Mary, explained how she dealt with confidential information with young people in residential care:

So even though they tell you something and then you say, 'Well, do you want me to go and talk to your link worker or the residential manager or the young people involved?' If they say, 'No.' then you don't. The only other caveat there would be if there was serious significant harm - an issue where you thought they were desperately at risk - then you might have to breach that confidentiality. But you must tell the young person you're going to do that.

Social workers also said they were sensitive to young people's confidentiality.

David, for example, explained that he would not go up to his young service users if he met them accidentally when they were with their friends for fear of embarrassing them. Norma said that she checked with young people about confidentiality with their parents:

I actually do get the ok from 'Liz' to share the information with parents. If she's ok then I share with parents and I raise those issues with parents.

Social worker Leanne explained the limits of confidentiality in her work with regard to child protection as similar to those operated by children's rights workers:

It's very clear that there are certain boundaries where confidentiality can be kept but, above and beyond that, it can't be. And that's been very clear and so we're sort of working to the same idea really within child protection issues about a young person. We might have to pass on information. We can't necessarily be absolutely confidential.

However, the lack of confidentiality displayed by many social workers in relation to the research, as noted above, tended to contradict their words and bore out the young people's views. Unlike the children's rights workers, most did not respect the confidentiality of the young people they worked with and shared details of family background with me. In an extreme example, Sally shared very sensitive information with me that she had not even told the young person or the rights worker, saying,

G. said she had been sexually abused by a family member. 'Katy' wants contact with the family members where the sexual abuse had happened - but I can't share this with 'Katy' or the advocate.

### ***Inter-professional liaison and partnership***

One of the issues linked to this lack of confidentiality by social workers in the study is that they were required to work 'in partnership' with parents and carers (a major principle of the Children Act 1989) and share information about young people with other professionals and agencies as an integral part of their work (Dalrymple and



Burke, 2006; Department for Children, Schools and Families, 2006). They placed most emphasis on this whereas children's rights workers emphasised a focus on the young person, a 'child focus'. Social worker Sharon clearly expressed her view of this difference between social work and rights work:

I'd say it's [children's rights] more child, young person centred, rather than our work - we're looking at the family, we're working with the carers, we're working with legislation, we've got restrictions as well regarding caseloads. So they can spend more time on an individual child and deal with their needs rather than other people's needs.

As already noted, young people such as Liz and Timothy complained that social workers talked and listened to their parents or foster carers rather than to them, and some social workers maintained that it was not their role to work directly with children and young people. Social workers said they were concerned to consider a young person's family and environment as well as the young people themselves. Norma, for example, emphasised her work with Liz's parents when Liz went back home from foster care, '*Liz's' now returned back home so we all have worked in partnership.*'

Social worker Gillian stressed the importance of '*liaison*' and '*networking*' with other agencies for young people. She said, '*There's a lot of liaison - working with*

*other organisations to make sure that she's [Tamsin]'s got full support.'* Martin said similarly of his work with Jane:

The other thing is about monitoring and assessing her situation and I do this in partnership with the various professionals, the Unit, the school, the police, the Youth Offending team.

One of the children's rights workers, Keith, talked about liaison with other agencies saying, *'You've got quite a range of who you work with and who you'll speak to - that's from solicitors to social workers, to managers, to parents - all sorts'*.

However, he talked about this in terms of dealing with other professionals rather than sharing information about young people. The difference in approach between the two groups of workers created difficulties in their working together since social workers expected the rights workers to share information with them and to want to know young people's backgrounds, as discussed further in the findings section, 'Caring about the consequences'.

### ***Child focus***

One of the young people, Emily, said she appreciated that rights workers had a child focus and were, *'looking at children's views and what children think of - it's more on the children's part'*. The rights workers said they saw themselves as acting exclusively on behalf of the young people they represented. These workers, therefore, were more likely to find a child focus natural and they emphasised this in

their interviews. June, for example, said she used a model that was *'very young person focused'* and *'young people led'*. James also said, *'our model is obviously - is child-centred'*. Alan was very strongly child focused, saying, *'there's only one agenda and that's what's right for the child'* and *'a young person overrides everything and is the most important thing'*.

Some of the social workers such as Angela, Leanne and David said that they were child focused. For example, David said, *'I'm a very child-centred person.'* but they also acknowledged the difficulties of this in social care. Angela said there was more of a *'parent focus'* in the local authority where she was working. She gave an example where children had been left at home with parents and abused by *'perpetrators, both in the home and from the outside'*, a situation that she found completely unacceptable.

Leanne gave an example of a dilemma she was having about sharing with the police a young person's allegation of abuse. The young woman was concerned that she would be in more danger if the police became involved. Leanne thought the young person's allegations should be shared with other professionals according to procedures but also said,

I do think sometimes we do have to remind ourselves who's at the centre of this. And sometimes it is easy to forget because you think, 'Oh right - this is how it should be done', and off you go.

Some of the professionals said that the focus of social care services was generally more on adults rather than children. Rights worker Mary said,

I think most services continue to be - service user - are adult run for adults and people will not bend to make them more child focused.

This child focus of the rights workers links to the next section where it can be seen there was a difference in view about the way professional workers cared about young people as individuals.

## **CHAPTER 5: THE FINDINGS: CARING ABOUT THE INDIVIDUAL AND CARING ABOUT THE CONSEQUENCES**

### **Caring about the individual**

As outlined in the previous chapter, both groups of professionals agreed that caring about the process of their work in terms of a basic quality of service, good relationships with young people and confidentiality were important although each placed a different emphasis on these and there were differences in what they felt they could achieve. In contrast, there was a marked difference in the views of the two groups of professionals about ways of caring about young people as *individuals*. Young people themselves said they wished to be treated as individuals who were equal, not as ‘children’ and they said that they had a more equal, friendly relationship with children’s rights workers. On the other hand, they complained that they were regarded by social workers as being in need of protection and too immature to be able to make decisions.

Children’s rights workers emphasised the equal rights of young people and were positive about them as competent, autonomous individuals. Social workers emphasised a different way of caring about individual young people that focused on caring about their interests. There was evidence that they actually *did* care but they had a more paternalistic, protectionist view of young people. These divergent professional views were largely about principles and attitudes to young people as well as a different focus and different responsibilities in their work.

### **Treating young people as individuals: young people's views**

Young people in the study expressed strong views about how they wished to be treated as individuals but unlike the professional workers they did not talk in abstract terms about *empowerment*, *rights* and *participation*. Instead, for example, they talked about whether professionals were friendly and whether they involved them in decisions or not.

#### ***Being treated as an equal?***

Young people talked about children's rights workers treating them in an equal and friendly way. Dawn, for example, said of children's rights workers, '*They treat me like an adult.*' Katy and Emily gave examples of working together with their rights workers as equal parties over writing letters. Emily described how children's rights workers helped her to write to request the local authority's financial support for a holiday:

*Emily*            Well all of us sat round a table and thought about what we were going to include in the letter.

*Viv*                Yeah?

*Emily*            It was really good.

She commented that social workers would have either written the letter themselves or told her not to bother.

Some young people said they appreciated being treated '*on the same level*' as rights workers. Nadia said, '*They talk to you like a friend.*' whilst Vanessa said, '*They're more like us than proper adults*'.

Conversely, young people said they sometimes felt treated unequally by social workers who had more of a parental role. Seventeen year old Nadia, for example, compared how she was treated by both groups of workers:

Children's rights - they're sort of there as your friend whereas social workers they're sort of a bit - I don't know what to say - they sort of talk to you like a mum or something.

The young people talked about social workers, unlike rights workers, having an authority role and having more power. Emily, for example, said she saw them as '*trying to control your life*' and Katy said, '*they actually make the decisions*'.

Tamsin explained her view:

Social services have got more power to do things than children's rights...I think residential social workers listen more to social workers because they've got more power to say things and say they want this happening and they want that happening.

However, young people said they felt that social workers underestimated them and saw them as children rather than young adults. Their experience bears out the more protectionist view, prevalent amongst the social care workers in the study, as described below. For example, John, a young man of 16, said of his social worker,

He'll ask me what I'm doing in my lessons but it's just like he's talking to a 3 year old, like, 'Do you know your times tables?' and all that.

Liz, who was 14, said her social worker *'treats me like a 5 year old'*. Katy, also 14, said of her social worker, *'I reckon that she still thinks that I'm a little girl and she needs to make all my decisions for me.'*

In relation to this some of the young people said they appreciated having a worker who was younger and 'fun'. This may also be about being able to feel equal and comfortable with their worker. John, for example, explained why the age of his worker was important to him. He said of his social worker, *'He's quite old. He's not on my sort of wavelength, so I couldn't really talk to him'*. In contrast, he said he found it easier to get on with his rights worker who was younger and who he felt understood young people better:

He's young and he's got more of an insight of what children are like nowadays and yeah, I get on with him pretty well.



Dawn talked about her experience with a variety of social workers. She had been allocated several and was able to get on better with Sharon, her current social worker. She said, *'The older ones look at me like a little baby. Sharon is more my age'*.

### ***Participation and involvement***

The young people also commented on whether or not professionals involved them in decision making, an important aspect for them of being treated as an equal individual. For example, Dawn said of children's rights work, *'I feel my views are heard and they involve me in decisions'*, and Nancy, of her rights worker, *'His attitude is brilliant. He really helps me, involves me in decisions.'*

One of the young people, Nadia, said she had a good experience of being involved in decision making in reviews by her current social worker who wanted her to say what *she* wanted but this was very different from her experience with her previous worker:

Before it was sort of like - well I wasn't really involved in the reviews even though I was sitting there, it was like I was not there.

Similarly, Katy said that her social worker *said* that she was involving her but did not really do this and actually made the decisions herself. Laura, a young mother, said that she was not involved in social work decisions about her son:

They didn't involve me in decisions. They had a child protection meeting and didn't invite me to it and it was about *my* son.

Tamsin gave an example of her lack of involvement in important decisions about where she would be living in the future. She said of her social worker:

*Tamsin* I feel like she's found this placement and that's where I'm heading, basically - where it's like came as a big shock to me - where I actually got told by my social worker where I would probably be staying here till I'm at least 17, cos I'm not fully independent.

*Viv* Mm. This is a semi-independent one is it?

*Tamsin* Yeah. And then the next thing I know, I get a referral somewhere else.

*Viv* And didn't you take any part in thinking about that?

*Tamsin* No. She just come with it.

*Viv* Yeah.

*Tamsin* So I didn't really get a chance to get used to it and stuff but...

*Viv* How would you have liked things to happen then, about finding somewhere else to stay?

*Tamsin* For me to get more involved in it and for me to make sure it's all right for me, and stuff like that.

Similarly, Emily commented that social workers '*don't really try to get too involved with the child*' and '*do what they think's best*' without asking young people.

### ***Rights***

Whilst they said they appreciated the work done on their behalf by rights workers, the young people in the study had little to say about *rights* as such in comparison with the professional workers. For example, when asked about rights, Simon said, '*I don't really know what it's about*', and Laura said, '*Hard to know what children's rights are*'.

A few of the young people said that their rights worker would explain their rights to them and some mentioned complaints or '*getting involved*' (Sonia).

### **Treating young people as individuals: professionals' views**

I have categorised the professionals' differing views about working with young people as *individuals* in terms of:

- Their views about equality and rights of young people (liberationist/ protectionist views)
- Their commitment to young people's participation and involvement in practice
- Their views about young people's competence, independence and protection
- Their views about control and discipline of young people

### ***Views about equality and rights***

The interviews with professional workers bore out the young people's views about the difference between the two groups in terms of their attitudes to young people as individuals with rights and as equals. Unlike the young people, professional workers had a lot to say about young people's rights.

As one would expect, since they had all chosen a career in this field, the children's rights workers expressed a strongly positive attitude to the principles of rights, all saying that they believed in, and were committed to, the principles. They tended to hold a liberationist view of young people based on the notion of them having citizenship rights and rights equal to those of adults. Whilst some of the social workers also claimed to favour children's rights they said there could be a danger in practice of young people abusing their rights. Hence they had a different view of caring for young people as individuals which was more protective.

Of the professional workers, children's rights workers talked most about the principles of equality. They expressed awareness of the power imbalances between themselves as adults and the young people they worked with. James said,

But I do think - if it's about relationship then you have to be honest and say this is a discourse between an adult and a young person - and you have to recognise the power imbalances that are there. And don't deny that they don't exist cos they do exist.

Both he and June maintained that it was difficult to change this state of affairs. June said, *'I think it's very hard for adults to relinquish any of that power in order for children to have their rights'*. However, rights workers talked about trying to redress the balance by treating young people as equals. June, for example, said that young people should have *'rights of involvement politically at an earlier age'*. Keith stressed young people's citizenship rights and equality and said he saw this as a *fact*, rather than an altruistic principle:

My fundamental thing is citizenship. The core to everything is the equality, is that young people are equal to me and therefore equal to everyone else in society and so they should be treated the same way.

Alan said,

I wholeheartedly believe in children being people, having equal rights and having their say and being equally valuable as everybody else.

Some of the rights workers said they considered that children's rights should be extended to include the right not to be assaulted or smacked as discussed further below. Some also mentioned young people's lack of rights in the youth justice system and in education. On the whole, however, they said they felt that children had enough rights. Their main expressed concern was that young people's existing rights were not respected and practised. For example Rita said,

I really don't think young people need more rights. I think it's about everybody respecting those rights and actually implementing them.

Mary shared this view, saying young people's rights '*need to be implemented*' and, '*There's a lot of lip-service paid to the existing rights.*'

A few social workers interviewed also said they had positive views about the principles of children's rights. Angela, for example, said, '*I'm all for children's rights. I see that as part of my job - to uphold those principles*', but some social workers had misgivings about rights in practice. David, for example, said, '*I agree wholeheartedly with children's rights.*' However, later in the interview he talked at length about the negatives of rights work in practice. Gillian had similar reservations about children's rights. She said,

In as much as they're principles, I would say I don't have a problem there - with the *principles* per se.

She went on to outline her experiences of difficulties in the operation of children's rights in practice with several young people such as Tamsin, who had complained about a member of staff in residential care, and a young woman who wanted help with retrieving her property after having to leave home. Gillian's view was that children's rights workers had not been effective in these situations because of '*communication that is lacking*' and a '*need for more liaison*' with other

professional workers. This view will be explored further in the next section which looks in more detail at the dilemmas in children's rights practice.

Martin said he saw children's rights as '*very noble*', but potentially dangerous because of the way that young people may regard them. He said, '*children are seeing it in a perverted sense,*' leading to a self centred approach to the world, '*because they think that the rights - it's only me. They forget about everyone else.*'

Some social workers interviewed commented that young people needed to have a better understanding of rights. For example, Gillian explained that she felt that children's just knowing about their rights was not enough, saying, '*We must go further, in explaining why it is important for them to be made aware of their rights.*' Similarly, Dina said she thought there was a risk of them misunderstanding without further education,

for them to really know what children's rights mean - what does rights mean? And also the interpretation of the rights when you are supposed to have a right - are you interpreting it properly? - cos sometimes they're misinterpreting.

Some social workers evidently did not think that young people should have equal rights with adults. Sharon, said she felt children had enough rights:

What I'm seeing is that they've got a lot of rights as it is. Any more and the children would be sort of adults, wouldn't they?

Some of the social workers' negative attitudes were about children's rights being taken too far and children abusing them. For example, David said, '*I could present an argument that the pendulum has swung too much the other way.*' He went on to give an example where a child would say, "*Oh I'm going to children's rights because I don't think I should be doing so much work within the house.*"' He put this down to children '*using them the wrong way*', as did Sally, who thought that rights could lead to further risk for young people:

Rights can be abused cos - some decisions they're [young people] not going to like. A young person wanted to visit someone in Wales they'd met through the internet and I said it wouldn't be safe.

### ***Commitment to young people's participation and involvement***

All the children's rights workers said they had a strong commitment to involving young people in decisions about their lives and futures and said they saw it as a major part of their role, both to encourage young people to participate and to encourage other professionals to facilitate this participation. Children's rights workers talked about both individual and collective participation and consultation. As outlined in the previous chapter, they also focussed on the *process* of involvement. Whilst all workers in the study agreed that children and young people



should be involved in decisions, this involvement was qualified by some of the social workers who emphasised the difficulties of participation.

James's view was typical of the rights workers, in saying participation was important for young people so they have '*better life chances*'. Rights workers talked about participation in terms of trying to 'empower' young people in their work. Daniel said this helped young people's self confidence, whilst Alan talked about empowering young people as a group and helping them to '*change the system*'. Lisa and Mary said they saw empowerment as being about trying to enable young people to speak for themselves. Mary, for example, described how the process of empowerment worked at a young person's review meeting:

You don't just speak *instead* of them - you help them to have a voice. So it might be a young person actually wants to say themselves, 'I want to go and live with mum and dad', or 'I want contact with my sister', who may or may not be adopted or whatever the issue. So you help them to say that themselves, empower them.

Mary and Daniel suggested that more needed to be done in the social care system about involving young people. Mary said that it '*is about changing that culture*' to enable children to participate more. Daniel considered how such a change might be effected by

young people being consulted in decisions made and ensuring that that happens more regularly, as much as possible, rather than having a children's rights worker. There should be a way of instilling that and repercussions if not.

Some rights workers expressed dismay about the lack of involvement of young people in decisions. Keith considered that this lack of involvement denied young people their rights:

If decisions are being made for and on behalf of young people it sort of contravenes that basic right to say what they feel and have an influence on it.

James talked about '*the lack of understanding and commitment toward involving young people*' in social services as being one of the frustrations of his job. June also explained her frustration about this, saying that if young people are involved in decisions then they are happier with these decisions even if they do not always get the outcome that they want. Speaking of consulting young people about their wishes and their futures she said,

That right to be consulted just seems to go out the window so often - and that's so routinely ignored or skirted around or just not done effectively

and properly. And when it *is* done effectively and properly it works so much better, you know, and so that's frustrating really.

June also talked about trying to enable young people to speak up for themselves at meetings but found that they sometimes lacked the confidence. She said,

Even when you think a young person could do it on their own they don't think that. And they know that there's a difference when you're at a review and when you're not. And you have to accept that, you know, and take it from where they're at with that whilst always trying to up - up their level of involvement and engagement.

Some of the social workers expressed positive views about young people's participation but they had reservations in practice and tended to emphasise the obstacles. Social workers, Norma, Martin, Leanne and Angela talked about '*involving young people in decisions*', '*to get their views*' (Martin) and so they '*take responsibility*' (Leanne). Norma, for example, said that her work was '*about involving young people to make decisions in their own life because it's their life not our life*'. However, in her description of her work with Liz, a young woman in foster care, and from Liz's own point of view, expressed in her interview, it appeared that Liz had not been involved in decisions that were made about removing her from her foster home.

Social worker Faye talked about encouraging young people to participate in 'pathway planning' meetings for their future but said, '*some of them find it a bit boring*'. Martin said he saw the involvement of young people in decisions as not always '*practical*' and being limited by their age and ability:

You are aware that there are children who would be too young - they have to have representation. There are children with severe mental learning difficulties - we have to represent them. There are children who are fearful, who can't do that - communication problems. So we involve the children if and when it is possible.

Young people's lack of opportunity to be involved in decisions was illustrated by the comments of some of the social workers. For example, Sandra emphasised that in her work with Paul (aged 13) she, as an adult, needed to make the decisions, saying, '*He is a child and we are the adults and we make the decisions.*' Similarly, Sharon, talking about the difficulties of her work with young people, said,

It's hard to sort of liaise with everybody at once and making decisions *for* [my emphasis] the child - I think it's difficult for the child to understand at times as well.

Sally talked about reviews as being an opportunity for young people to participate. However, from her comments below this seemed limited to finding out what others had decided:

There are a lot of reviews and we have to follow review recommendations.

They give opportunities for young people to express their feelings and to be aware of their care plans and to find out what the Local Authority has planned for their future.

### ***Views about young people's competence, independence and protection***

There was a marked difference in the views of the two professional groups about whether young people were competent individuals who could be afforded autonomy or whether they should be guided by adults.

As noted in the previous section, children's rights workers expressed positive views of young people as individuals, seeing them as equal and promoting their participation as far as possible. They tended not to subscribe to the commonly held view that young people are immature and said that young people's competence was often underestimated. Rita, James, June, Mary and Alan all expressed similar views about this. Alan was clearly impressed by the looked after young people he dealt with and said he admired them:

I just think they're a much misunderstood bunch are looked after children. They're some of the most amazing, intelligent children in our city, if uneducated! But very intelligent children and with the most amazing skills and talents and it's just overlooked for the simple reason that they're looked after.

He added that young people were as competent as adults '*in knowing what's right for me or knowing what I want to do*'. Similarly, Rita said, '*All they've needed is to be given a chance to show how competent they are.*' James also talked about respecting the young people's '*experiential wisdom*', and June spoke of admiring young people's resilience in the face of difficulties they have experienced, saying she felt '*inspired*' by

seeing what they cope with, and how kind of robust they are, you know, in terms of stuff that's happened to them and stuff they've got to deal with in an ongoing way in their lives, and just the capacity of that really.

Children's rights workers in the study said they thought that children and young people should be afforded more independence and should not be over-protected by adults. In relation to this June, for example, said she had a '*liberationist*' stance and Mary said she

see[s] children and very young children as what's called 'social actors', that we protect them too much, and that they have got a voice about all sorts of things - even when they're very young.

James had a qualified view about young people's independence, however, saying it could be '*setting young people up to fail*' if they did not have proper support:

It's ok to talk about independence but you need a real strong basis behind that to support independence and not just simply say, 'Yeah, great - go and make your own way.'

Some rights workers, such as Lisa and Keith, said they thought that it was difficult to get the balance right between over protecting young people and affording them adequate independence. As Lisa explained, '*It's a very fine line between caging that young person in and putting them in danger*'. Keith commented that protection '*can be an infringement on civil liberties, basically. Very difficult balance.*'

Few of the social workers said they regarded young people as competent although David said, '*You have to admire them - what they've actually been through without being patronising.*' Where other social workers talked about 'competence' they tended to talk about *assessing* young people's competence in terms of their development, seeing young people as immature. For example, Sandra talked about an assessment of 'Paul' in which '*we look at education, we look at social and*

*emotional development.*’ Others, like Gillian talked about ‘Gillick competence’, that is, as explained in Chapter Two, an assessment of young people’s maturity to make decisions about their health, for example. Gillian said,

When I talk about children's rights, the most important thing to look at is that maybe we also need to look at the Gillick competence of the particular child.

Social workers emphasised that young people need protection. For example, Malcolm said in relation to young people being independent, ‘*Definitely, I think there’s more of a percentage where there needs to be more protection.*’ Similarly, David said he thought that young people looked after needed more protection because of their adverse experiences in life. However, he then went on to question whether he was being over-protective.

Some social workers related their discussion to the particular young people they were working with. For example, Gillian said of Tamsin who had been diagnosed with autism, ‘*A person like Tamsin will need more protection in society*’, and Sally said, in relation to a young woman who had been sexually abused, ‘*For G. I’d want to be more protective.*’

One social worker, Faye, said she thought that children and young people should be afforded more independence. Others, such as Angela, David and Leanne, said that



young people looked after were '*rushed*' into independence without adequate preparation or support, arguing that independence should also be related to a young person's age and maturity. Martin questioned the concept of independence altogether, relating this to his experience in his country of origin:

I think, much more realistically in life, its not independence but *interdependence*. I'm used to not being someone who is independent in our country because we always rely on each other.

Social workers in the study tended to speak of young people as vulnerable dependents with needs rather than individuals with rights. They said that a focus on children's needs should take priority. For example, Gillian said, '*Children's needs is more important than their rights.*' and Martin, '*Rights come after needs.*' Sharon shared this view, saying,

I think that young people, not to patronise them, but sometimes will not know what the best thing is, what they need. Well we know through research and our job and having been through the stage of being a young person and that - what children do need at a certain age.

Although Sharon said she did not wish to 'patronise' young people, her view could be interpreted as a paternalistic attitude to work with young people where, as

described in the previous section, young people were not involved in decisions about their lives.

### ***Views about control and discipline of young people***

The differences between the two groups of workers were also evident in the attitudes they expressed about control and discipline. As already noted, it came across strongly from the interviews that the rights workers enjoyed their relationships with young people and tended to have positive views about them. Social workers were more inclined to talk about young people needing control and discipline for their own good to enable them to grow into responsible adults.

Some children's rights workers complained about society's views generally about young people. June, for example, talked about polarised views of young people as either good or bad: *'That kind of Victorian notion of children and young people I think is still very prevalent - of they're either evil or perfect and innocent.'* Rita and Lisa also mentioned the stereotypes of young people prevalent in the media and Rita said she saw these as being different from the way we regard adults:

...this sort of notion of young people as being devils or the, sort of, angels.

I mean it's like us - we don't fit into those categories, so, you know - children and young people don't.

Lisa commented on the negative stereotypes:

I think the media has such a view on young people that - given half the chance - young people would be divorcing their parents and running amok and things like that.

She gave an example from her own experience of the way that some staff in residential care regarded young people and treated them as different from adults. She said, '*Staff didn't expect them to have the same politeness and morality as somebody a lot older.*' She said she was dismayed that expectations of them were so low and thought this unfair and discriminatory. Rights workers said they thought that young people in care were unfairly stereotyped and discriminated against. Rita talked about '*the newspaper portrayal about young people being taken into care because they're uncontrollable*', a viewpoint with which she strongly disagreed.

Some rights workers also disagreed with current UK laws about smacking young people. For example, rights worker Lisa commented on the unfairness of current legislation which meant that children could be smacked by parents:

I don't agree with the smacking policy at the moment and I feel that that does infringe greatly on a young person's right to not be beaten.

Social workers tended to express less positive views of young people and many emphasised their need for control and discipline. Some said they regarded the young people they worked with as '*difficult*' in a number of ways. Norma, for

example, talked about her work with young people as a '*struggle*', mentioned '*personality clashes*' and called it '*fighting a losing battle*'. Martin claimed that one of the young people he was responsible for was '*beyond professional assistance*', and David said, '*Work with young people - it's one of the more difficult groups to actually work with.*' One of the difficulties he specified was about young people being '*manipulative*'. Norma depicted 14 year old Liz as powerful and manipulative despite her family difficulties and having to live away from home, saying,

I don't think anybody will want to go to a dark alley with 'Liz', I'll tell you that - so she is very, very assertive in a way.

She complained that Liz '*uses 'Keith'[rights worker] to get what she wanted*'. Manipulating is about managing affairs to one's own purpose, and adults may not approve of young people doing this, being in control, rather than being controlled. One of the children's rights workers, June, talked about hearing this term used repeatedly by social workers of the young people they worked with. She said,

Routinely I hear - 'manipulate you' or 'they're trying to manipulate the system', 'they're trying to *get what they want*'.

She commented that it is used of young people as a negative trait, whereas if adults do the same thing it is viewed quite differently, and said, '*We all manipulate within our own environment to get what we want according to the resources we've got.*'

Another difficulty social workers talked about in their work with young people was that they could be untruthful. For example, Faye said in relation to a complaint made against her by a young person, '*Not all young people tell the truth or they can change what's been said*'. Similarly, Gillian said of a complaint made by a young person about the staff in the residential unit where she lived,

Look at 'Tamsin' - she's autistic and there are so many ways of deviant behaviour of autistic children. The children's rights only took *her* story to be real.

Gillian also said she believed that children should be more '*compliant*' and show respect to adults. She said that control of children and young people was important through discipline and she questioned the banning of physical discipline. She said that parents were sometimes not able to cope with their children in UK society, '*because they cannot be beaten*' and questioned, '*But is that good for a child?*'

Martin also said that children '*can be difficult*'. He said he felt strongly that removing a parent's right to smack a child could lead to poor outcomes because young people might feel there would be no adverse consequences if they

misbehaved. He compared this to the situation in his own country of origin where physical punishment of children was permitted:

Parents are also in the process of being dispossessed of the right to smack their children. But I think denying parents those things, that rights - I know the aim is noble - but what is happening on the ground is the outcome may not be what we want. There is no person who can lead you to self destruction than the person who knows nothing will happen to me.

These views were at the extreme end of views about discipline and not shared by all social workers in the study. Workers in the study had a range of attitudes to young people, from seeing them as admirable and competent to seeing them as deviant and needing control. Although there were workers whose views were more moderate, at the extremes, children's rights workers had the former, and social workers the latter, view.

### **Caring about the consequences**

In the previous section, I reported the differences between the two groups of workers in caring about individual young people. In this section, there is also evidence of a divergence between the two groups in caring about the *consequences* for young people of their work.

Children's rights work with individual young people is ostensibly about exploring their wishes and feelings, voicing these (or encouraging young people to voice these) without concerning themselves about young people's overall welfare, their 'best interests'. This is in accordance with the Advocacy Standards (Department of Health, 2002). In the study the children's rights workers maintained that they adhered to these principles, but as I shall demonstrate, doing this frequently caused them dilemmas about consequences for young people. Social workers, on the other hand, were preoccupied with consequences for young people, particularly in terms of the risk of child abuse and of placement breakdown and they expressed frustration that this was not a concern of the rights workers.

One of the major areas of contention between the two groups was whether the rights workers needed to know about young people's family backgrounds and care situations to work effectively with them and whether they should communicate with other professionals about their work. The rights workers said they thought this unnecessary but the social workers said they regarded them as naïve or irresponsible because of potential risks to young people. Young people said they were concerned about the consequences of rights workers' actions on their behalf and this was sometimes difficult for them to negotiate.

## **Young people's views about consequences**

### ***The consequences of voicing complaints***

Young people expressed their awareness of rights workers' role in voicing their concerns and said they appreciated this. Chris, for example, said rights workers were there:

To help the young people get heard and listened to and get the message across that young people has the *voice* and a right to do stuff.

Timothy said of rights workers, '*They're actually saying well you've got a voice and we want to hear it.*' However, sometimes 'being heard' had unintended consequences for them. Some young people, such as Liz, Sue and Tamsin talked about the difficulties of having their wishes and feelings '*voiced*' irrespective of the context of their care arrangements. Liz explained the dangers of revealing difficulties you may be experiencing:

Well, if it's within your foster placement and you like it there, but you want to tell somebody something's going wrong, then they can actually move you.

Tamsin said she had talked to a rights worker who regularly visited her residential unit about problems she was having with a member of staff there. She said this had led to further difficulties for her as it was evident that she was the source of the



complaint. She said she was horrified that all the staff got to know about her complaint and she was subsequently called a '*grasser*' by two of them. She said she had hoped her complaint would remain confidential but anonymity had been impossible in a small residential unit.

Young people's dependence on carers for basic care needs of food, shelter and emotional support made young people who asserted their rights particularly vulnerable. They expressed concern that rejection by carers was a strong possibility. Timothy talked about the great pains he took to make sure that any concern he raised with children's rights workers would not pose a risk to the stability of his foster placement:

I think that when you make a complaint it's just awkward. It is - cos if I make a complaint I go for a route that no one else is going to catch up on, so my social worker won't know I've made a complaint, my foster carer doesn't know I've made the complaint and only children's rights - so it doesn't go any further than that - so I'm happy.

Young people were not always able to predict the outcome of their actions or those of children's rights workers on their behalf. Sue said she had made a complaint about her foster carers and was consequently moved from the home and was facing having to live in '*a scabby little hostel*'. She said she regretted having said anything:

Personally, if I was in foster care again, I'd never make a complaint about a foster carer again - about what they've done to you - and I'd say that to anybody in care. And I do know quite a few people in care'd say, 'Don't make a complaint because it's not worth it.'

### ***Knowing your background***

Some young people said they considered that the rights workers did not need to know about their whole history and care situation but others thought these workers should know. Unlike the social workers whose views are reported below, the young people did not say they saw any potential dangers in rights workers acting for them without knowing their background.

Dawn, Simon and Laura said their rights workers should be fully informed. Dawn said of her rights workers, '*They know pretty much everything for me. I think they need to know.*' Simon said they needed to know '*so they can get an insight and the best way to treat you*'. Laura, a young woman who was fighting to keep her children said, '*“James” had to know a lot with me. Social services always use your past so he had to know.*'

Other young people said that, while they did not think their rights worker needed to know everything about them, often they did know and they did not mind this.

Nancy said,

They don't need to know a lot about your personal background - though 'James' does now. He's read my psychological assessment.

Similarly, Sue, Katy and Liz said they were happy for the rights workers to know about them. Katy for example said,

I don't mind 'June' knowing my personal background - but she doesn't, like, be nosey and ask about it. But I don't mind her knowing.

### **Professionals' views about consequences**

The professionals expressed divergent views about some of the consequences of strict adherence to children's rights principles in practice. These relate to some of the difficulties outlined above that young people faced and can be categorised as follows:

- 'Voicing' and 'best interests' principles
- Taking account of the context of young people's lives
- Dealing with dilemmas and 'caring advocacy'

### ***Voicing and best interests principles***

Children's rights workers in the study said they took account of young people's wishes and feelings and voiced their concerns, and that they were opposed *in principle* to working in their best interests. In practice, this meant that children's rights workers said they should ignore all perspectives apart from that of the young

person. This view was directly opposed to that of social workers who described having a holistic view of young people's lives. These opposed views led to misunderstandings and conflict between the two groups of workers and sometimes to problems for young people as cited above. Children's rights worker, Alan, expressed the divide in principle very clearly:

We don't necessarily come at it from the best interests point of view - it purely is voicing the child's wishes and views.

He said he was clear that this was his role and this was echoed by other rights workers such as Mary who said, '*advocacy is not about welfare and best interests*' and June,

I don't see that best interests is my - it's not my job kind of thing - that's not my bit - it's the wishes and feelings are my bit.

Rights workers said that their approach was not always understood by other social care workers. Alan said, '*They do tend to forget that we are the voice of the child.*' He gave an example:

If the children want a pair of chocolate, white chocolate trainers, then that's what we have to say, you know. And it's not about what's right and

what's wrong, the best interests of the child. It's a wishes and feelings point of view, isn't it, you know?

Social workers in the study complained that rights workers advocated without any thought for the difficulties this might cause and they talked about the behaviour of children's rights workers in simply voicing young people's views as being ignorant or not caring about the risks to young people. David, for example, complained that young people's lives could be adversely affected by advocates simply articulating young people's concerns and recounted his experience when he worked in residential care:

As a residential worker [I] experienced children's rights coming in over stupid things. This made it harder to rehabilitate children.

Similarly, Martin gave an example of rights workers advocating in a meeting on behalf of a young person who did not wish to be moved from his foster home. They were not aware, according to Martin, that his behaviour was very challenging and unable to be controlled by the carers. He said that after the rights workers became aware of this they '*backed off*'.

Social workers, Sally and Amanda, gave examples where they thought rights workers had misled young people. Sally said she was annoyed that a rights worker

was encouraging Katy, a young woman in foster care, to expect contact with her adopted sister when this was impossible:

Katy had spoken to her advocate and said she wanted a photograph of her adopted sister and wanted to meet her. I expected that the advocate would have some knowledge of adoption and would know that no contact would be possible without the adopters' permission. It was clear that would not happen. I felt that Katy was getting set up to think there may be a possibility of contact - because the advocate is saying, 'We'll bring it up at the next review.'

Similarly, Amanda described how she felt a young woman had been misled about local authority fostering finance:

It was a young woman of about 14 to 15. She was going to live with her sister who had a baby. The children's rights worker told her that the local authority should pay for her, living with her sister - and that her sister should not claim benefits - but should be paid as a foster carer for her by social services. She hadn't been assessed or approved as a foster carer and the young person was a child in need - so she got it completely wrong and that caused great problems for the young person. I arranged a meeting with the young person, her sister, the children's rights worker and myself - but it was impossible.

### ***Taking account of the context of young people's lives***

One of the main complaints made by social workers about rights work was that it took no account of anything other than the views of young people and that consequently young people's care situations and other aspects of their lives were put at risk. As noted above, young people had mixed views about this, but rights workers were quite adamant that they did not need to know any background other than that the young person told them about.

Daniel, for example explained, *'If you do know, it is more difficult to be impartial.'*

Rita gave a related reason for not finding out about a young person's background:

There's a danger that young people get labelled because of a particular social worker's response or a social worker's experience with a young person - which might be not very good - that they say they've got behavioural, serious behavioural difficulties. So that you go in expecting that, so therefore you interact differently with the young person - when in fact you find out there's - you don't experience the same problem.

Several rights workers said that it was important to come from the young person's point of view. June, for example, said,

I'd rather - yeah - to be coming from where the young person's coming from. And I'd rather just know what they know - well not what they know, but what they know I know.

Mary explained this in more detail and gave an example:

So I will go into a room, saying, 'Little Johnny wants to live with mum'. And what's happened is a lot of people round the table have got very annoyed with advocates because they'll say, 'If you read the background to this you'll realise mum's with a Schedule 1 offender or mum's beaten hell out of all her children, had them removed - no way is little Johnny going back to that situation - he will be at harm'. What we've always said to everybody is that - and social workers particularly - we're not out to make you look silly or trip you up like that. We say what the child wants. If what we say is not possible, then we want you to explain it to us and the child, the child more particularly because the child is asking to go to mum, quite often because they don't know why they can't.

A few rights workers were less emphatic about not needing to know a young person's background. Lisa said, '*Sometimes it depends whose version of events it is.*' Keith was also less definite but he did stress the principle saying,



Sometimes it's pertinent to a particular referral to find out some background information but again - the premise I come from personally and, as a project I know we do - is that it's only relevant to what the issue is.

The social workers in the study had a completely different view of the issue and gave examples of their concerns about the ways that children's rights workers had operated out of context and without regard for the consequences.

Faye said that rights workers '*should check with us first what's happened*' before acting. She said she considered that taking a young person's version of events was not enough. Similarly, Gillian said there was a '*need for more liaison*' by rights workers and complained that they should have checked a young person's story with workers in a residential unit:

They did not go a little bit further to verify some information from the workers at [residential unit]. And that created problems.

This relates to issues of confidentiality for young people, as discussed in the previous chapter, and from the rights workers point of view they would need to check with young people whether they would be happy for social workers and carers to be contacted. However, social workers said they thought that inter-professional communication was necessary to support young people properly.

Leanne gave an example where she said a young person had been told by a rights worker that he had a right to stay in his foster placement after he reached the age of 18. Leanne said there were several difficulties with the foster placement that the rights worker was unaware of and it all became ‘messy’ because *‘the young person had been told, “Well you can - and that's the end of it.”’* Leanne maintained that the rights worker should have communicated to find out these issues:

I think she needed to know that there were issues around him staying in placement. I think there was more to it than cut and dried, ‘Well actually you can stay there’, because it raised all sorts of issues. And we did then speak to each other and then she said, ‘Oh, I didn't realise that - then that gives a completely different light on things, there’. And then we had to go back to the young person - and say well actually... - and I just think that could have been done beforehand.

Social workers said they were particularly concerned about the possibility that young people could be placed at risk by rights workers if they did not check out young people’s backgrounds. Sandra gave an example:

It’s all very well saying, ‘Oh yeah, you have a right to walk out of that unit because you’re 14 - you can go down the park for 2 hours because this is your right.’ But they don’t know the dangers that that child might be

putting themselves in without knowing the full background. And I think that can be a very dangerous thing.

In common with young people themselves, social workers were anxious that residential or foster care placements could be undermined through this lack of contextual consideration. Sandra said,

The children's homes have guidelines on how to treat [children]... plus they have a lot of case history on the child and they know what is good and bad for that child. But they're constantly being undermined by the rights officers that are saying, 'Well, you've got this right'.

Social worker Sally talked at length of the difficulties she had because a rights worker involved with a young person in foster care, Katy, did not know the context and was advocating that Katy should be permitted more contact with her family. She said that the rights worker was unaware of the child protection issues involved and that there were allegations of abuse that were confidential and she was unable to share. Sally said,

She [rights worker] doesn't have insight into the reasons why contact has been reduced and I'm not in a position to reveal the whole background.

Norma said she felt she had averted risks by sharing background information with rights worker Keith. Norma explained that Liz was in foster care and social services wished to remove her because of perceived risks, ‘*danger*’ to her there. According to Norma, Liz did not wish to move and enlisted the support of Keith, to oppose this decision. Norma claimed to have given Keith a lot of background information about the risks and maintained that this was essential in keeping Liz safe. She said that Keith stopped advocating for Liz to remain in the foster home because of this information:

I’ve actually had to tell ‘Keith’ the reason why we had a strategy meeting and he understood and that information was passed on to ‘Liz’. And what ‘Keith’ said - he couldn’t do anything about it because of concerns that we had.

***Dealing with dilemmas and ‘caring advocacy’.***

Whilst rights workers emphasised the principle of voicing and said that, unlike social workers, they did not work according to best interests principles, this threw up dilemmas for them in their work because there was strong evidence that they actually *did* care about the consequences for young people. Equally, principles of not finding out about a young person’s background or communicating about this with other workers caused dilemmas. They said they were aware that insisting on rights undiplomatically could jeopardise young people’s care arrangements or put them at risk.

Rights worker Sarah, for example, said she recognised that merely expressing a young person's wishes and feelings could be harmful. She demonstrated her ambivalence about this by contradicting herself in the first two sentences below. Clearly she found it difficult not to have young people's best interests '*in mind*'.

We don't look at - no, we don't look at - well I don't look at what's in the best interests of the child. Well I do really - I mean I've got that in mind. It comes on to wishes and feelings, doesn't it? And I try and remember I'm the voice of the child and I say whatever the child wants me to say. Although I would say, 'Look. Do you really want me to say this or do you understand what'll be the consequences if I do say it?' Cos I mean I want what's best for the child.

Similarly, June explained in detail the conflict in her mind when advocacy was required and she felt it could be detrimental to the young person:

You get quandaries where you think of things in best interests. There was one recently where a young man was placed in an out of borough placement he didn't want to be in and whilst - and he kept running off - and whilst I completely understood why he kept running off in terms of his own attachment to the community he'd been in and lack of knowledge of this place, I was concerned for his safety, as to....Cos for him, he was saying he would sleep outside, which for him was not something that

hadn't been known to him before, but I was concerned for his safety - and having had liaison with the foster carer of where he was meant to be - I kind of thought this foster carer sounded ok and I kind of wished he'd just go back, you know. But - but I've continued to advocate for this young person in terms of being moved because, you know, - so yeah and sometimes you do, you think that what they're wanting might not be in their best interests.

Rita talked about the risks to young people of advocating for them in residential care:

I know that it's difficult because if they've got complaints about the residential social workers there, that they're actually living with them and so for them to raise a complaint can put them in a very vulnerable situation.

Similarly, Lisa explained that she was '*worried about the consequences*' for young people if she took up a complaint about carers. She said that she wondered about how they were treated when they were back in that situation with the same carer.

Rights workers said they dealt with these dilemmas in a variety of ways. According to the social workers, rights workers would sometimes stop advocating or '*back off*' when they did learn the young person's full situation. Rights workers talked about a

number of strategies under a category I call '*caring advocacy*' to avoid adverse consequences for young people. These consisted of:

- Emphasising responsibilities
- 'Exploring' young people's views and explaining consequences
- Making judgments

### **Caring advocacy**

#### ***Emphasising responsibilities***

Children's rights workers in the study said they recognised that young people could abuse their rights and that this could prejudice their placements. One solution they talked about was that of educating young people about rights and responsibilities.

James commented that children and young people needed to be aware of '*the responsibilities of being a citizen*' that are connected with their rights and said,

If they're informed too much about what their pocket money allowance is and whether they can have sleepovers and whether that's ....that they can't question the fact that they can do an activity - and all those sorts of bits and pieces - that's going to undermine the carer's authority.

This view was echoed by Sarah who said,

I think alongside rights there's responsibilities and I think children have got to be careful they don't take it to the extreme.

She mentioned young people with a learning disability in particular:

We have had occasions where they've marched back in the children's home or foster care and said, 'I know my rights - you can't do this and you can't do that.' I think sometimes they take it a bit literally.

Alan also explained the possible consequences of ignoring these responsibilities:

To have a right - a right can be used in a bad way unless you use it responsibly. To go back - for a child to come here [Children's Rights Centre] and then go back to a foster carer and *demand* is not a positive use of that right, is it?

***'Exploring' young people's views and explaining consequences***

Another strategy rights workers talked about using to avoid adverse consequences for young people was to 'explore' further with them what they wanted to be said on their behalf, rather than just quoting them verbatim. Rights workers said they were aware, despite their protestations about principles of voicing, that to do this without question could cause difficulties for young people.

They said they wanted to avoid young people being seen as naïve and not taken seriously. Whilst Mary said she was clear that she would say whatever young person wanted her to say in a meeting such as a review meeting, she qualified this



by informing young people of the consequences of making a complaint or of representing their views to other professionals:

Look, if you say to me, ““Mary”, I want to go and live on the moon,’ then I will sit in that meeting and I will say, ‘Johnny has said to me he wants to go and live on the moon.’ I will say what you want me to say. However, I will say to you Johnny, that if I say that, people are going to know that’s impossible and therefore what you’re saying you’re not thinking it through properly. So whilst I will say that if that’s really what you want, how about we look at what else you might want that *is* possible, that may be achievable.

Similarly, Alan said that although he would advocate for a pair of ‘*white chocolate trainers*’ for young people he would ask young people to re-think this. His words suggested that simple ‘voicing’ was a last resort and his question at the end indicated his uncertainty:

We do say to the children, ‘Are you sure about this? And wouldn’t this be a better avenue?’ But ultimately if that’s the way they want, then that’s what you have to go in and say, isn’t it?

James stressed the difference between his way of exploring wishes and feelings with young people and that of social workers. He said he was not '*distilling*' their views but he did not make it clear what the difference was:

I'm not just simply - and I shouldn't be - a distilling process for that young person. I think that's the problem when social workers fill out wishes and feelings on forms, they are distilling it through a, from a best interests perspective as well. However, I think as an advocate part of the thing to do should be - and I do - I want to explore wishes and feelings for that young person - and just simply, just to take it as being that's it - my wishes and feelings - that's it - without any exploration with the young person - I think that is condescending. Because if I was to simply report, 'Johnny wants to...' - and you've reported back and I've said things at meetings like that sometimes - and I think all it does is it re-emphasises to adults young people's kind of lack of understanding about how things work.

Children's rights workers gave some insight into the detailed process of this exploration of views with young people. For example, June described how she enabled an angry young person write a letter:

For instance in a complaints letter I might listen to a young person - they might swear a lot about how they feel about this or get really angry and whatever and then we write the letter. Well, by the writing of the letter

together they'll - they'll have said what they need to say feelings-wise but then we'll write what we think we want to get out of the complaint. And so sometimes I even have to write all the swearing - you know - to show that I'll do that. But then I discuss with them – about, 'Ok if you put this - what are people going to think, you know?'

Some of the rights workers said that part of this exploration with young people was about giving them information and offering choices. Keith talked about giving them '*informed choice*'. Similarly, Lisa described how she explained potential consequences to young people:

You can have quite a frank discussion - 'I understand this is where you're coming from but this may happen and this may happen... but if you still choose to do that, then I will support you with that' - kind of thing.

James explained that part of this was informing young people about how other professionals are likely to think. He said he would say to a young person,

'Well, understand how the people operate and I'm going to tell you how they operate. And I'll tell you, if you're going to do that, you're going to make yourself vulnerable in that particular way.'

He also maintained that sometimes he might challenge a young person on their views:

It may be that you challenge the young person on some of the things that they said or try to get them to think about ways in which.... why do they see things in that particular way?

Sarah said that sometimes young people changed their minds because of such intervention:

*Sarah* ...if a child wanted me to say something I would have to say, 'Look this is what he wants, you know and can you take it into consideration when you're making a decision.'

*Viv* Yeah, and does that sometimes set you at odds with what you think is in a child's interests or does it not...become a problem?

*Sarah* No, because it doesn't really happen. I talk through issues with the children and ...but yeah, I would say it if they wanted me to but I try and explain to them and let them think about it again.

*Viv* Right, so you'd talk to them about it and sometimes they change what they want you to say in view of that?

*Sarah* Yeah they do.

The dilemma faced by these workers is central to advocacy work with young people and one that I shall explore further in the discussion that follows. Should adults who know more about the systems that operate in children's services and other organisations try to change a young person's viewpoint, and can they avoid making a judgment about what is in a young person's best interests, particularly if they feel it is putting a young person at risk? Where the consequences are minimal, for example with the '*white chocolate trainers*', the dilemma is also minimal but where a young person may be unsafe, like the young person who was sleeping outside, it becomes a bigger dilemma for the worker.

### ***Making judgments***

Rights workers said they were trying to avoid making judgments about what is best for children and young people. But some of the behaviour they described suggested that they *were* making judgments. Besides 'exploring' young people's views and sometimes getting them to change their minds about what should be said, rights workers were also deciding which injustices should be taken further.

For example, rights worker Alan talked about challenging social services about putting young people leaving care in situations of risk. He said that one young person was placed '*in a flat that was an ex crack house*' where she was assaulted by drug dealers in her first week there. He said that the rights service challenged for four months to get her rehoused: '*we had to take it to the very, very top before we*

*actually got a result*'. The young person wished for a move but it was the rights worker's decision to 'take it to the top'.

June described further how this challenging the local authority may be the decision of the professional, not the young person:

Sometimes I do think that's very necessary - more and more I think they [local authority] need taking to court - and this is difficult cos that's my agenda - from what I see - it's not always a child or a young person's agenda. So it's how you bridge that gap for yourself in terms of what you're thinking isn't ok and where a young person's at.

Thus she acknowledged a difference between the young person's and the rights worker's view. Similarly, Mary said, *'We will challenge if we feel the need to do it'*.

James was explicit about his view that rights workers do have to make judgments:

I mean I do think that's the strongest thing I feel about at times - let's be honest, you bring your judgments into it - you do, you do as an advocate. And I suppose it's about - I think, again, I said very early on about being aware about the power relationship between user...but also being aware of your own judgments as well and what you believe is the way they should be dealing and acting.

The question remains that if children's rights workers were not operating on a best interests principle, how were they making their judgments? Some talked about the benchmarks they used. Alan said, '*Really it's just about doing what's right for a child*', but did not explain how he made this judgment. Later in the interview, however, he explained how he thought this judgment could be made: '*I think the benchmark is - would you allow your own children to do that?*' James talked about his work with young people in similar terms, as giving them '*an opportunity to have the same chances as your own children*'. Daniel also said, '*Idealistically, you'd like young people in care to be treated like they were at home*'. However, this could be a problematic benchmark since many young people are accommodated because of poor care or abuse at home.

These issues and dilemmas are explored further in the next chapter which involves a detailed discussion of the findings cited in Chapters Four and Five. I shall consider the data in light of theories discussed in Chapter One and in light of law, policy and practice issues discussed in Chapter Two. The analysis draws particularly on ethics of care theories.

## CHAPTER 6: DISCUSSION

The previous two chapters of study findings were based on the words of the three groups of participants with only a minimum of interpretation and analysis of their views, although I have imposed my own structure on the data. This structure evolved from the interview data and drew on advice about the early stages of analysis from Strauss and Corbin (1998) and Gilligan et al. (2003) amongst others. In this chapter, I make further interpretation of the data and examine them in light of theories discussed in Chapters One and Two. However, as Denzin and Lincoln (2008) have argued, the researcher is not the only interpreter of, or necessarily the authoritative voice on, his or her findings. Interpretations are personal and debatable and there could be many different readings of the data. Clearly, my model of ‘reading for relationships’, borrowed from Mauthner and Doucet (1998), as described in the Methodology, has given my analysis a particular bias. All readers, including the study participants, may have their own interpretations and, as Chase (2008) points out, the reporting of research can be seen as an interactive space between the writer and the reader.

Another issue about interpretation in qualitative research, as noted in the Methodology Chapter is that of reflexivity, that is making transparent the researcher's own values and influence. I discussed this earlier in relation to the process of conducting the research, and here briefly, I shall consider the values which may have influenced my interpretation of the data. For example, my



background as an adult, parent and former social worker may have influenced some of my reactions to the interview data.

As a former social worker myself, it was sometimes painful for me to hear the young people and the rights workers who talked about social workers' 'sloppy' practice and their uncaring attitudes. I wanted to explain what I thought were the reasons and to defend the social workers but this was not my role as a researcher. I also encountered in myself some reluctance, initially, to take on board these negative findings about social work which are constantly fed by media reports. With all participants, I tried to be respectful and did not comment on views with which I disagreed. However, I was dismayed by the views of two social workers who said they thought that parents should be allowed to physically discipline their children. I wondered how these attitudes influenced their work which involved safeguarding children. I was also shocked when a children's social worker said that she did not 'work with children per se' because of my views about needing to focus on the child or young person in social work. Nevertheless, I have reported all these findings as faithfully as possible.

Whilst the views of all participants are considered here, I have tried to 'privilege' the voices of the young people in this account, as outlined in the Methodology Chapter, by foregrounding their views and concerns to attempt to redress their lack of power. Young people do not have a strong voice in society but those in my study

were likely to have been in situations of even less power than most because of their dependence on professionals and paid carers.

My interpretation draws on theories discussed in earlier chapters. I have found relational theories, especially ethics of care theories, particularly relevant to this study. As discussed in Chapter One, relational theories understand the world in terms of connectedness, maintaining that things and people can be seen to exist only in relation to one another. Ethics of care theories include an analysis of *care* in relation to *rights*, principles embodied in theory by the two sets of professional workers in the study. As discussed in Chapter One, an ethic of care adds to rights based discourse the dimension of care, emphasising principles of interdependence and connectedness (Gilligan, 1982; Tronto, 1993; Sevenhuijsen, 1998). In research studies, such theories have been applied primarily to the situations of women (Gilligan, 1982; Noddings, 1984; Mauthner and Doucet, 1998). The theories of commentators such as Arneil (2002), Cockburn (2005) and Kelly (2005) have been helpful to my analysis since they have considered the theoretical implications of a care ethic for children. In terms of professional practice, Williams (1999) and Davies (2000) have debated its relevance for health and social care work generally, and Parton (2003) has focused this discussion on social work in particular. However, the applications of a care ethic in research studies with children are few. Smart et al. (2001) have conducted studies considering children of divorce and their families in the light of a care ethic. I hope to extend the debate by applying ethics of care theories to social work and advocacy with children and young people. I

have used them to explore the data about the relationships between the young people and their workers where they have provided a clear framework. They have also been useful in examining the differing principles and practices underlying social work and advocacy.

Theories about welfare and rights have also been central to my analysis, and the debates about the polarisation of these principles as discussed in previous chapters. Rights discourses emphasise a universalist world-view based on the individual separated out from the rest of society. Relational theories challenge this view, maintaining that a morality based *solely* on rights fails to recognise that we are not all autonomous, independent beings unrelated to others in our moral decision making. Whereas a morality based on rights considers the independence and agency of an individual in decision making, relational theories emphasise people's *interdependence* and the importance of context. Particular rights theories I have found helpful included those of Archard (2004) and Fortin (2005) about, for example, children and young people's best interests and competence. Theories about welfare included discussion of concepts of dependence, care and needs (Hughes, 2002a; Phillips, 2007). Such theories and debates helped to interpret the participants' views of care and rights issues, the young people's differing experience of workers and the workers' differing attitudes and practices.

I have also referred to theories about children and childhood, as discussed in detail in Chapter One. The debate about childhood as a social construction and about

young people as ‘beings’ or ‘becomings’ (Lee, 2001; 2005; Prout, 2005) have been particularly relevant to my analysis. These perspectives owe to relational theory a questioning of whether young people can be seen as independent ‘social actors’, emphasising the *interdependence* and lack of complete autonomy of *all* humanity, not just children. Those who promote the view that young people should be treated as autonomous social actors are trying to gain for them equal treatment with adults (James et al., 1998). However, critics claim that this view misguidedly ignores the fact that all people, whether children or adults, are dependent on others to some degree (Lee, 2001). I have also drawn on theories about the dominance of developmental psychology in professional work with children and young people, with its emphasis on development through stages from immaturity to maturity (White, 1998). All these theories about childhood have been useful tools in examining workers’ attitudes to young people, for example their views about equality and competence, discipline and control. Such theories have been applied before to research with children and young people, for example by Mayall (2002) in her studies of young people’s health in schools (Mayall, 1994) and about young people’s relationships with adults (Mayall, 2001). Morrow (1999) has also used sociological theory in examining young people’s views about their rights. My study aims to further the debate by also using such theories to analyse the attitudes and practices of the two different groups of professional workers.

Whilst I have found relationality a good framework for understanding the data, it is important also to understand why we should not just abandon rights. In this respect,

as discussed in Chapter One, post-structuralist theories have been important in understanding the politics of language and in questioning dominant discourses. They expose such binaries as ‘needs’ and ‘rights’ and ‘child’ and ‘adult’, and demonstrate the need to avoid privileging one discourse over another (Derrida, 1976). Hence it is important to understand the politics of rights and care language. The language of rights, for example, can be used as a ‘moral trump card’ (Dworkin, 1978) since it has connotations of moral justice and self evidence. The term ‘care’, however, is often used in the context of a lesser activity of low status and confined to the domestic sphere (Tronto, 1993; Phillips, 2007). Whilst trying to reclaim care as central to young people’s lives, it has also been important in my analysis not to privilege care discourse over that of rights and to consider the implications in practice of these opposing discourses.

This chapter loosely follows the framework for the findings chapters, interpreting the data with an ethic of care in mind. I consider first, the process of the work with young people, caring relationships, obstacles to care and confidentiality. Next are discussions of work with young people in terms of equality and power and the differing attitudes of the professionals to young people as individuals. Finally, this is followed by a discussion of the dilemmas about rights principles and practice in terms of consequences.

## Care and relationships

All groups of participants in the study talked about the importance of the quality of the relationship between professional workers and young people. Previous research has documented the importance of relationships between young people and their rights workers (Boylan and Ing, 2005; Dalrymple, 2005; Knight and Oliver, 2007) but has offered little analysis of the components of these relationships.

Some recent writers have emphasised the psycho-dynamic aspects of professional relationships in social care, based on attachment theory (Howe, 1998; Bell, 2002; Ruch, 2005). Their analysis offers some helpful insights into the difficulties that young people may experience in their relationships with adult workers. However, attachment theory on its own, as discussed in Chapter One, based on parenting styles, does not fully address the unequal power dynamics between workers and young people. I would argue that relational theories offer a stronger analysis of these power dynamics between carer and cared for in relationships as well as considering the role of rights in this. They have therefore been particularly relevant in this study about social work and rights work with young people.

I found that Tronto's (1993) four stages of a care ethic, as discussed earlier, provided a useful framework for analysing the relationships between young people and their workers. To summarise briefly again, she categorises these stages as firstly *caring about*, which involves recognising people's need for care and attentiveness to their needs. The second stage, *taking care of*, requires the

responsibility of the carer to meet their obligations to care. The third stage, *care giving*, is about competence and providing good care and finally, *care receiving* includes an awareness and responsiveness to the power relationships that exist between carer and care receiver (Tronto, 1993). Other theorists add extra elements to this care ethic or use different terminology. Sevenhuijsen, (2003), for example, adds *trust*, while Diller (1996) talks about *engrossment*, a similar concept to *caring about* or attentiveness. Williams' (1993) conceptualisation was a helpful addition since she theorises about the range of activities that come to describe care, such as process, context, struggles, dilemmas and rights.

This study raises a major paradox in relation to the practice of the two groups of workers and a care ethic since young people in the study described rights workers as more 'caring' than the social workers. Social work is often termed a 'caring profession' whereas there is not the same expectation of advocacy work. Advocacy principles of justice and rights are not normally regarded as necessarily being in a caring, welfare tradition (Piper, 1998). However, children's rights workers' relationships with young people in the study demonstrated clear elements of the ethics of care components described above. Conversely, whereas social care principles are normally deemed to follow this caring welfare tradition, the relationships of social workers with young people were often seen to fall short of this care ethic. The young people talked about social workers who they thought *did* care but these were a minority. A note of caution should be added here since this particular sample of young people may have had a more negative experience of the

service from social care than most, and this may have led them to contact the children's rights service in the first place. However, my findings in this respect agree with those of many studies of young people's views of social work (Farnfield, 1998; Holland, 2001; Munro, 2001).

### **Young people and caring relationships**

I shall consider first how the core components of a care ethic matched the qualities that young people said they wanted in their relationships with professional workers, before considering these from the professionals' point of view. It has been an important part of privileging young people's voices to consider first and foremost their views about this. As discussed in previous chapters, the centrality of service users' views has been increasingly recognised as vital in informing professional practice, education and research in health and social care (Beresford, 2000; Cowden and Singh, 2007).

In common with Smart's (2001) findings in her study of children whose parents were divorced or divorcing, the young people in this study talked primarily in the 'language of care' and they were concerned most about the quality of their relationships with the adults around them. Some spoke of expecting the same qualities in their relationships with both groups of professionals and did not regard their roles as different. Dawn, for example, said, '*they're dealing with the same sort of things for me*'. Although I discussed with the young people the work that their rights workers as well as their social workers were doing with them they were



concerned first and foremost with how workers treated them and the process of the work, and they talked very little about their rights. For example, they talked about workers being ‘*there for you*’ (Laura), whether they ‘*really care*’ (Sue) and ‘*understand you*’ (Chris). I would not conclude from this that their rights and the outcomes of rights work were not important to these young people, but clearly the care demonstrated by professionals was a high priority, as I shall discuss further below.

Initially, I shall consider young people’s relationships with professionals in terms of Tronto’s first three stages of a care ethic (caring about, taking care of and care-giving) as these highlight many issues in the findings about ‘providing a basic quality of service’ and ‘demonstrating care in relationships’. I shall consider Tronto’s fourth stage (care receiving) separately since this raises issues about power relationships and equality. Not all aspects of the relationships fit neatly into the four stages and further issues have been highlighted by other commentators, as I shall discuss in a following section.

### ***Caring about***

Tronto (1993: 127) defines the first stage of a care ethic, *caring about*, as ‘*recognition of a need and that there is a need to be cared about*’. This stage is an acknowledgement of our connection to others and our interdependence. Simply put, we need to be aware that others need care rather than ignoring this and leaving them to look after themselves as autonomous individuals in a selfish society. Caring

about also suggests anticipating others' needs and a kind of attentive readiness to their concerns. This is a helpful concept in interpreting young people's views of their relationships with professionals as outlined in the findings section, 'Demonstrating care in relationships'.

The young people spoke of feeling cared *about* in terms of whether they felt respected, listened to and valued by workers and whether workers showed an interest in them. For example, young people in the study mentioned appreciating concrete evidence of care such as workers remembering birthdays and Christmas or providing them with transport to meetings. This attention to their personal lives and to their comfort clearly made them feel cared about. I interpreted their emphasis on this as their wanting tangible tokens of care as evidence that they were cared about. However, in this as in other studies (Oliver et al., 2006; Pithouse and Crowley, 2007), listening was the quality most frequently mentioned by young people. Listening demonstrates the sort of attentiveness that is central to caring about someone as defined by Tronto (1993). It also corresponds to Diller's (1996) concept of *engrossment*. If others do not listen to us they cannot attend to what we really want and need. Unlike young people in a loving family environment, most of these young people were not in a position to trust that their needs would be met through an intimate unspoken understanding by close family members or other people who knew them well. Most of them, apart from two in long term foster care, had no one they could rely on in this way. They had experienced frequent moves in residential and foster care and frequent changes of social worker. They had to be

able to articulate their own needs and for someone to listen and act on them. Clearly, this could be an even greater problem for some young people who were less vocal or were disabled, as also found by Knight and Oliver (2007). The young people talked about listening as part of workers respecting them and of taking on board their concerns, an essential part of helping them. As Chris said appreciatively of his rights worker, *'He listens to what I have got to say and respects my view'*.

Another issue that came out of the research was the importance to young people of *process* in caring, that is the ways in which the workers spent time with them, explaining how the social care system operated, giving them information, listening, going through with them their wishes and feelings and preparing them for meetings. Again, these young people were unlikely to have someone like a close family member to spend time with them and to explain important matters. Having someone who did this made them feel valued. Williams (1993) recognises that process is an important aspect of caring in relation to community care with adults. Although this aspect of care is not highlighted in Tronto's typology it could be seen as related to 'caring about'.

Young people in the study contrasted the way they were treated by rights workers with their treatment by social workers. They spoke about their rights workers with warmth, a point to which I shall return, clearly feeling that these workers cared about them, listened, respected them and so on, that is the range of qualities discussed above. As Timothy put it they felt like *'someone who's there for you, and*

*an advocate in my mind is a person who's here for another person.*' This 'being there' for them was exactly the kind of caring about that the young people appreciated. The young people also appreciated the rights workers' attention to process, for example, in spending time writing down their exact words in a letter of complaint.

Although a few young people spoke of social workers who they felt cared about them, these were in the minority. Young people said they did not feel that social workers recognised their needs or cared about them. This was a very difficult situation for most since they had to rely on social workers to meet some of their basic needs like finding somewhere to live or getting money for clothing. Some gave examples of social workers who they felt did not appreciate their need to see relatives from whom they were separated and, as found in other studies (Oliver et al., 2006; Pithouse and Crowley, 2007), young people's contact with their families was of major importance to them. They also gave many examples of feeling social workers were not listening and not interested in them, as Sue said, treating them as *'another name on a computer screen'*. It seemed to me that it was this feeling of the impersonality of the service provided that they were most upset about and the feeling of disrespect, as Chris said, *'speaking to you like you're dirt'*. They talked about this very emotionally. They were dismayed by feeling that social workers were listening to others, to their parents or carers rather than to them. They also complained that social workers did not spend the time with them that they needed.

### ***Taking care of and care-giving***

The second stage of care, *taking care of*, in Tronto's (1993) analysis is about initiating caring activities and being clear about what is one's responsibility or *obligation*. Sevenhuijsen (2003) maintains that people need empathy and judgment to fulfil this stage. In interpreting the study findings I have linked this to the third stage, *care-giving*, defined by Tronto (op cit.) as competently providing *good* care within one's remit. In her examination of applying an ethic of care to children, Arneil (2002) also emphasises responsibility for, and obligation to, children and young people rather than reliance on individual rights and rules. She highlights the importance of care-giving as a public rather than a private duty. As noted earlier, care is often devalued as an activity, confined to the domestic sphere and regarded as unimportant in the wider social world. Both the above components of a care ethic can be seen as part of 'providing a basic quality of service' as described by the study participants.

Whereas young people can be portrayed as demanding (one social worker said '*manipulative*'), the young people in the study had quite modest and realistic expectations of their workers about meeting their responsibilities (taking care of) and being competent practitioners (care-giving), and they linked this basic quality of service to demonstrating care. They said they wanted workers whom they could contact easily and whom they could rely on not to let them down. They valued efficient, prompt action on their behalf. They said they recognised that workers could not always fulfil their wishes but appreciated the efforts that they made.

Honesty was also very important to them and they linked this to whether they could trust workers or not. These are qualities that people require of most service providers, whether they are doctors, plumbers or social workers.

The young people said their rights workers were responsive and available and that they could '*rely on*' them to act on their behalf. They also trusted them. They contrasted this with their experience of most social workers. The young people who did not have a social worker were at an extreme disadvantage and this was more about the social care organisation not meeting its obligations rather than about the individual worker, as I shall discuss further below. However, young people such as Nadia and Vanessa who *did* have social workers said they found them difficult to contact or repeatedly unavailable. Both expressed feelings of being rejected and devalued by the response they received. Vanessa felt that *she* was not important to her social worker because he had '*other important things to do*'. Other young people commented on their social workers' inefficiency. Timothy, for example, described his social worker as '*sloppy*' in his attitude to the work.

They said that often their social workers let them down, giving examples like that of Chris where social workers were late or did not arrive at meetings. He also said he felt unable to trust social workers: '*you never know whether they're lying*'. The young people expressed anger, frustration and a feeling of powerlessness at the lack of taking care of and care-giving by social workers, whom they relied on for

meeting many of their basic needs. I shall discuss this feeling of powerlessness further in the section below on inequality and power.

### **The professionals and caring relationships**

In terms of Tronto's typology of *caring about* young people and 'recognising needs', young people who are looked after are already defined in social care as needing basic care since they are not receiving this from members of their birth families. However, the concerns of professionals in the study needed to go beyond basic care. For example, social workers had also to care about young people's general progress in terms of their health and education and they had a statutory duty to monitor this. Children's rights workers had to care about whatever the young people articulated as their concerns.

The professionals had particular obligations to young people as social workers or as rights workers in relation to *taking care of* and *care-giving*. Social workers in the study needed to make sure that all aspects of young people's care arrangements were going well, see them regularly to check on their progress and do this effectively and *competently*. Rights workers needed to take up young people's complaints and represent their views at meetings or within the social care hierarchy. The main difference was that, unlike the rights workers, social workers had overall responsibility for the welfare of the young people. This is an important distinction between the roles of the two groups of workers and I shall discuss further below the difference this made to their work and to their attitudes to the young people.

There was a wealth of evidence from the study that the rights workers recognised the importance to young people of demonstrating that they cared. For example, James said that listening was a way of '*conveying that you actually do care*'. Others, like June, expressed the importance of the process of their work with young people whatever the outcome. They said they saw their relationships with young people as central to their work and stressed that their main focus was on the young people themselves. For many, caring about seemed to include having a personal liking for the young people since their comments were overwhelmingly positive. For example, Alan called the young people he worked with '*amazing, intelligent children*'. However, caring about people in terms of liking them is not necessarily central to advocacy or to other professions. Advocates in criminal proceedings, for example, do not need to like their clients in order to care about the service they provide and to express their clients' interests. Neither is it necessary to *like* someone to care about them in Tronto's (1993) sense since this caring about is being attentive to the service you provide. It may be, however, that the young people were sensitive to the workers' feelings about them and that part of their appreciation of the rights workers was this warmth. I shall discuss this further below since it is a feature of caring that is additional to the care ethic described by Tronto (op cit.).

Rights workers said they were careful to ensure that they met their responsibilities to the young people (*taking care of*) and to provide good care (*care-giving*) in all the respects such as reliability, efficiency and honesty that were important to the



young people. They were evidently aware that young people felt badly treated in the social care system and many were anxious, as Daniel said, to be seen as '*different from a social worker*' and to be the '*one person that does not let them down*' (Alan) because everyone else did. Besides trying to dissociate themselves from social workers there was an element of rights workers trying to compensate for the failings of social care as noted by Oliver et al. (2006). For example, some of the rights workers said they were worried that they were '*filling the gaps*' (Alan and June) and doing the work of social workers. I considered from my study findings that this compensation was both for the lack of a good relationship with social workers (caring about) as well as for poor practice (taking care of and caregiving). Oliver et al. (op cit.) also argue that rights workers are compensating for attitudes in social care to young people as passive objects rather than people with their own views.

As noted earlier, social work is often described as a 'caring profession' but although social workers in the study had a responsibility to assess young people's needs the data suggest that there were many factors that prevented social workers from *caring about* young people and their needs. Few social workers placed emphasis on the relational elements of *caring about* that were important to the young people such as listening, respecting and valuing them.

### **Obstacles to care: organisational failure, care management and misinterpretation**

Participants in the study had a range of accounts for the difference between the two groups of workers in all the above aspects of caring. Resource and organisational problems were blamed by participants for the apparently poor service that social workers provided. High caseloads, staff shortages and paperwork were all cited. However, young people and rights workers still claimed that social workers' inefficiencies were a symptom of them not caring enough, hence blaming the individual workers. This individualising of organisational failure was a major feature of the comments by young people and rights workers. Tronto (1993) argues that a lack of resources in large bureaucracies should not be used as an excuse for individual workers not competently giving care. She gives the example of a teacher being assigned the job of teaching mathematics when not competent to do so and argues that the teacher has the responsibility to ensure that he takes 'care' in educating students competently. The issues for social workers who find themselves unable to do their job efficiently are similar. Should they accept the lack of good care for young people caused by the failings of their organisation or take a personal stand against this? Not everyone would agree with Tronto's (op cit.) analysis here since it could be argued from a relational point of view that social workers are equally 'embedded' in a network, that of the organisational relationships that impinge on their work. However, some commentators suggest that social workers could be more proactive in trying to promote social equality and in challenging the

oppressive nature of the systems in which they work (Becker, 1997; Jones, 2001). These are major debates and ones to which I shall return in the Conclusion.

All parties, including some young people, also blamed organisational difficulties for social workers not *caring about*, since this left them little time to spend with young people. Social workers themselves complained that they could not spend ‘quality time’ with young people any more. They talked about this as a deficit and a change in their work from former times when the ‘casework relationship’ was key (Biestek, 1961). Professionals’ perceptions were that social workers’ relationships with young people had been squeezed out by other demands of the job such as increased accountability through extensive paperwork and computer recording. As Norma claimed, *‘We no longer work as a social worker, we work as an admin. officer.’* From their own point of view, this did not necessarily mean that social workers did not care about the young people who were on their caseloads but the rights workers and the young people interpreted it in that way. Timothy, for example, mentioned the pressures social workers were under but still said he experienced them as not caring enough. His social worker, David, said he thought that this was a misinterpretation by young people, saying, *‘I’m there, even though they say different sometimes. I’m there for them at the end of the line.’*

This aspect of the study may reflect social workers’ changed role from being actively involved in working with young people to becoming ‘care managers’, a role which appears to conflict with being able to care about young people. As

discussed in Chapter Two, commentators have seen social work as increasingly transformed into a business culture where care ‘management’ is the norm and ‘service users’ are assessed and provided with costed ‘packages of care’ (Harris, 2003; Parton, 2003). It has also adopted a managerialist culture of auditing and target setting (Clarke et al., 2000). In terms of the study, this emphasis on targets and *managing* care meant that some social workers said that they did not really work with children and young people. Gillian, for example, said, ‘*we don’t work with children per se*’. They assessed needs, made decisions and liaised with parents, carers and other professions and agencies on behalf of young people. Hence, relationships with young people themselves became secondary or non-existent. Increasingly, ‘direct work’ with young people, if it occurred at all, was passed on to specialist workers.

Other obstacles that participants blamed for social workers not *caring about* young people were the procedural nature of the work and the perception that social workers had to make unpopular decisions about young people’s best interests that the young people themselves might not like. Social workers in the study described how the force of procedures sometimes took over from considering young people’s needs, especially in child protection work. The procedural nature of the work links into the de-professionalisation of social work associated with care management and target setting (Jones, 2001; Harris, 2003). Procedures for safeguarding children and young people are rigid and non-discretionary, and social workers are regularly pilloried in public inquiries and the media if they do not adhere to them, especially

if something goes wrong (Parton, 2003). Social worker Leanne reflected on whether this was the best way to work. She described a kind of automatic procedural response to situations of risk where workers did not listen to young people or take account of their wishes. Rights worker June complained about this as being social workers 'covering their backs'. This aspect raises again the question about whether social workers should allow the demands of the organisation to take over from their responsibility to young people.

Some social workers claimed that young people were wrong in thinking that they were not listening. They said that in fact they were listening but had to take account of a range of factors rather than just the young people's views. They recognised that sometimes the young people did not like decisions that workers had to make because of a lack of resources or to keep them safe. This aspect links into social workers' authority role in relation to young people, one that differs from the role of rights workers. I shall discuss this in further detail in relation to issues of care receiving, power and equality below.

### **Additions to the care ethic**

#### ***Confidentiality and the web of relationships***

Confidentiality does not fit neatly into Tronto's categorisations of caring. Indeed, ethics of care theorists emphasise connections between people rather than preserving individual privacy (Tronto, 1993; Held, 1995; Sevenhuijsen, 1998) since their concern is to challenge a morality based on the rights of an autonomous being

who makes independent decisions, separating their life from that of others.

However, confidentiality is a major part of most health and social care professional values. In social work these are governed by the General Social Care Council Code of Practice (General Social Care Council, 2002) and in children's rights work by Advocacy Standards (Department of Health, 2002). This privacy or confidentiality was extremely important to young people in the study and they also saw it as a sign that their workers cared. Some young people said they felt it was difficult to '*speak their mind*' (Lucy) if they could not be assured of the confidentiality of their words. They said that rights workers offered the level of confidentiality that they needed and that the limits of this confidentiality had been clearly explained to them. They said they appreciated that if there were risks to themselves or others then rights workers might have to tell someone else. With social workers, young people said they were aware that information might be shared with other people in the worker's office such as managers and colleagues and they were not happy about this. Their fears were increased because they were not made aware how far this lack of confidentiality might go. As Timothy wondered, '*Well who else sees this file?*'

Both rights workers and social workers talked about their care in offering confidentiality except where there were child protection concerns. However, the social workers' words were not borne out by their behaviour in the research interviews. Whereas the rights workers did not reveal to me any personal information about the young people to whom they were offering a service, the social workers offered confidential information about the young people,

unsolicited, and some revealed to me very personal details that they had not even talked about to the young people themselves. My interpretation of this behaviour is that sharing information with other adults from different agencies and professions was a normal element of their daily working lives and they regarded me as a part of that. Although I was in a different role as a researcher, most were aware that I had been a social worker.

The rights workers' focus was clearly on the individual young people themselves. They spoke about being child-centred and they were concerned about young people's privacy. Social workers, however, emphasised working in partnership with parents, carers and other agencies and professionals. Partnership working has been emphasised in all legislation and policy subsequent to the Children Act 1989. Social workers said their priority was about good liaison and communication with all parties involved in young people's lives. The importance of inter-professional and inter-agency work has been highlighted by the tragic death of Victoria Climbié (Laming, 2003) and, more recently, the death of 'Baby Peter' (Laming, 2009). Subsequent policies and legislation have required social workers to prioritise this sharing of information, hence the normality for social workers of doing so. However, the issue remains whether this should be at the expense of their relationships with the children they work with. Certainly, many child death inquiries over the decades have also highlighted social workers' lack of focus on children and young people (Reder and Duncan, 1999; Laming, 2003).

This different emphasis between the rights workers' child or 'person-centred' focus and the social workers' focus on systems was a point of major division between the two groups of workers and had implications for clashes between them as outlined further in the section on principles and practice below. On the face of it, social workers were operating here in accord with the ethics of care principles of valuing the context and connectedness of young people's lives and recognising the importance of their relationships, in the sense that Smart (2007) talks of people's 'embeddedness' in a 'web of relationships'. However, there may be opposing principles at work here. The social workers' main stated aims were to safeguard young people and maintain stability in their lives and to do this they were concerned with *managing* those networks rather than seeing them from the young people's point of view. The young people wanted to maintain the quality of important relationships with, for example, family and friends and were less concerned about risk. This was a viewpoint that the rights workers seemed to understand and concur with.

It is apparent that the social workers stressed the importance of the network of relationships that surrounded young people but they were also likely to distance themselves from this 'web' since they saw themselves as *managing* the network, rather than forming relationships within it.



### ***Dilemmas of care***

In the foregoing discussion I have presented care as an unproblematic concept, a good that is appreciated by carer and cared for alike. Sevenhuijsen's (1998) description, taken from a Dutch newspaper, of a care worker providing dedicated love and care for a dependent older woman in a nursing home, is an illustration of this. The article depicts both carer and cared-for as thoroughly appreciating their interaction with one another. The carer comments on the rewarding aspects of her work whilst the older woman is clearly happy with the quality of the personal care given. However, as Sevenhuijsen (1998) subsequently comments, this picture does not present the ambiguities of care and relationships that are outlined by many commentators (Begum, 1990; Williams, 1993; Hughes et al., 2007; Phillips, 2007). As discussed in Chapter One, care can be rewarding but there are dilemmas and difficulties in these relationships as in others. The professional care given by social workers and rights workers in the study differed from the personal care described by Sevenhuijsen (1998) above. Nevertheless, it raised some of the same dilemmas of caring as personal care, particularly for the relationships of social workers and young people, where the workers were perceived to have power and control over the young people's lives.

In the study, young people and their rights workers talked about their relationships in a warm, positive, almost idealised way. The young people said rights workers were '*always*' available and responsive. Timothy, for example, talked about rights workers not working '*for their own personal gain*' as if they were all unpaid and

doing the work for the love of it. As noted earlier, rights workers talked about young people in very positive terms. For example, Alan said they were ‘*amazing*’ and June talked about them being ‘*inspiring*’ whilst others said they found work with them ‘*rewarding*’. There was little qualification of this very positive view of their relationships with young people by the rights workers, little talk of problems or conflicts.

Conversely, social workers and young people emphasised the problems in their relationships that highlighted some of the dilemmas of caring. Young people, as discussed above, expressed their dismay at being uncared for and patronised by social workers. Social workers talked about young people who lied and who were ‘*difficult*’ (Martin) and ‘*manipulative*’ (Norma). Norma, in particular talked about her work with young people as if it were a war zone with ‘*clashes*’ and ‘*fighting*’. It seemed that social workers and young people were sometimes locked into an unsatisfactory care relationship where, as previously noted, the workers had overall responsibility for their care whilst not having the resources to provide this. This led to tension and frustration on both sides. Young people did not feel cared about or given proper care. Clearly, there were also issues here about the balance of power in these relationships which I shall discuss further below.

These acknowledged interpersonal difficulties demand from carers what is commonly termed in health literature ‘emotional labour’ (Hochschild, 1983; McQueen, 2003). The term has also been used to highlight the emotional

difficulties for both carer and cared for (Morgan, 1996). However, it is a concept that has rarely been used in relation to social work or advocacy. Nurses have to control such emotions as disgust and anger in their work with patients and not only put on a 'front' but also try to change their feelings to those more appropriate for the situation. Similarly, in social care, workers sometimes have to act professionally and show care and respect when they do not feel these emotions. However, there are differences. Nurses cannot always walk away from their patients as they have to remain to provide physical care and attention. Social workers and advocacy workers such as those in the study are more easily able to 'distance' themselves physically as well as emotionally from their young service users and decide they cannot be worked with or they are '*beyond professional assistance*' (Martin). Hence, some of the workers talked about setting *boundaries* in relationships with young people and keeping a *distance*. Leanne, for example, talked about this professional distancing in terms of '*stepping back*' to protect herself from the emotional turmoil of her work when there were difficulties.

Since advocacy is an optional service for young people, if the relationship is not going well both parties can acknowledge this and withdraw. Whilst social workers have to retain professional responsibility they can continue to *manage* young people's care from a distance. As discussed earlier, social work has increasingly been transformed into a business culture where care 'management' is an accepted norm (Harris, 2003).

## Care receiving, power and equality

Tronto's fourth stage of a care ethic looks at care from the perspective of *care receiving*. It is concerned with being alert and responsive to the *power relationships* that exist between the care-giver and receiver. It also demands awareness of the vulnerability in those that are cared for and the potential for abuse of power. As Tronto (1993: 145) notes,

Care arises out of the fact that not all humans or others or objects in the world are equally able, at all times to take care of themselves.

Hence there will be an automatic imbalance of power. In terms of the study this unequal balance of power existed between the professional workers and the young people. The two-way nature of the relationship was not always acknowledged by the workers who talked about *building* the relationship with young people, thereby taking responsibility for its success or failure. This view may be influenced by professional textbooks which talk about how to *manage* the client, service user or patient relationship (Braye and Preston-Shoot, 1995). Some of the literature can appear patronising, especially if it does not take account of power differentials. In the study, professionals largely had more power than the young people to either nurture a relationship or to neglect it. It is clear, for example, that young people had little control over the frequency of seeing their workers. Besides being in a position of relative power as *adults* in relation to young people, as *professionals* the workers held specialist knowledge about social care processes, the law and rights.

### **Young people: power and equality**

Young people in the study said it was important to them to be treated as equals. The young people were aged between 12 and 20 with the majority in the 14 to 18 year age group and they expressed resentment of workers who treated them 'like children'. They said they wanted to be involved in decisions about their future rather than having decisions made without them or for them.

Again, there was a difference in the way that they said they were treated by the two groups of professional workers. As found in studies by Dalrymple (2005) and Pithouse and Crowley (2007), they said that rights workers treated them in an equal and friendly manner. Typically, Nadia said, '*They talk to you like a friend*'. They also said that rights workers spent time encouraging them to take part in decision making, for example at their review meetings and in challenging decisions made by other professionals.

In contrast, young people complained that social workers underestimated them and treated them like younger children. Some saw social workers as being in a parental role '*like a mum*' but did not speak about this being in a loving or a positive way. They said that social workers tended to make decisions on their behalf without consulting them. Like young people in previous studies (Thomas, 2000; Holland, 2001; Boylan and Ing, 2005), these young people said they did not feel they were involved in decision making by their social workers. For example, Tamsin expressed her feeling of powerlessness when her social worker decided where she

should live after the residential unit, without talking to her about it. The young people evidently felt that social workers had control of their destiny through their influence in the social care system and through their knowledge of, and contact with, family members. This feeling about the overwhelming power and authority of social workers has been documented in other studies (Farnfield, 1998, Munro, 2001; McLeod, 2007) and, as noted earlier, it had a major impact on the relationship between young people and their social workers.

### **Professionals: power and equality**

Consideration of this aspect of a care ethic highlights a major difference in principles and in approach to their work between the two groups of workers and a difference in their views of young people as care receivers. It could be argued that, unlike social workers, rights workers did not have to take full responsibility for the future of young people but this did not account fully for the differences.

The rights workers seemed acutely aware of the power relationships between themselves and the young people they worked with. James said, for example, '*you have to recognise the power imbalances that are there*'. They were anxious to try to redress this imbalance by 'empowering' young people. They expressed one of their central principles as being that of equal rights for young people and said they were keen to put this into practice themselves by upholding and challenging for rights and involving young people in decisions. The rights workers emphasised the rights of individual young people and their competence to exercise those rights.

Social workers had a different perspective about 'care receiving' and power relationships between young people and themselves. They expressed concern about the vulnerabilities of young people to the abuse of power by other adults such as family members, residential workers or foster carers and were particularly aware of the risks of physical or sexual abuse. However, they did not talk about an imbalance of power as a problem in their own relationships with young people. Rather than seeing equality as an aim, social workers emphasised the difficulties and dangers of equal rights for young people because of factors such as their possible misinterpretations and abuse of those rights in relation to their carers. Sally, for example said, '*Rights can be abused*'. In common with findings in my previous research evaluation of a new children's rights project (Barnes and Davis, 2003), those few workers who said they agreed with the principles of children's rights had misgivings in practice.

Whilst some social workers said that children and young people should be involved in decisions, they stressed the difficulties of putting participation principles into practice, such as children being too young or disabled to take part. Some, like Sandra, seemed to regard the imbalance of power between social workers and young people as natural and unproblematic, saying of a thirteen year old, '*He is a child and we are the adults and we make the decisions*'. If Hart's (1992) 'ladder of participation' (adapted from Arnstein (1969)), discussed in previous chapters, is applied to the views of the two groups of professionals, the social workers' views about participation were generally on a lower 'rung of the ladder' than the rights

workers' since, although they usually offered young people some involvement, sharing decision making was uncommon.

### **The professionals' views about children and young people**

Theories about childhood and children's rights are helpful in further examining some of these aspects of the findings. In Chapter One, I explored differing theories and perspectives in society about children and childhood, ranging from the cognitive developmental theories of Piaget which regard children as immature to others such as those of James and Prout (1997) which see them as competent social actors. There are a multitude of views about young people in terms of their maturity and competence which inform liberationist or protectionist views (Archard, 2004), and attitudes to them as *beings* in their own right or people in the process of *becoming* (Lee, 2001). As previously discussed, this view of young people as *becomings* is similar to that of relational theory which questions the complete autonomy of all people, including children and young people, and emphasises their *interdependence*, rather than polarising people as either independent or dependent. Evidence from the study suggests that the professionals' views about these issues and about young people as immature dependents or as independent social actors influenced their practice.

Here it may be helpful to consider some of the common terms used about children and young people and adults in terms of *binaries* and how these related to the



workers' views. It will be seen that many of the terms on the 'child' side may perpetuate negative stereotypes of children and young people.

<i>Child/ young person</i>	<i>Adult</i>
Immature	Mature
Naïve	Wise
Becoming	Being
Dependent	Independent
Incompetent	Competent
Needing discipline	Self-disciplined
Needing care/protection	Self-sufficient

Rights workers in the study talked about young people's competence, emphasising their independence and rights. They tended to see young people as an oppressed group who should be afforded more autonomy and citizenship rights in the child liberationist tradition of Farson (1974) and Holt (1975). This view shares many features with those of other rights movements such as those promoting women's rights and gay rights. As previously discussed, more recent proponents of children's rights such as James and Prout (1997) have regarded 'childhood' as a socially constructed concept used to disallow young people their rights, and they have argued that they should be treated as *beings* in their own right like adults. In the study, Mary, for example, agreed with and quoted sociologists who spoke of young people as 'social actors' (James and Prout, 1997). Other rights workers complained

about the negative stereotypes of young people in the media where they are represented as being out of control or portrayed at the extremes of either evil or innocence. In line with social constructionist principles (Hendrick, 1997), rights workers emphasised that assumptions should not be made about young people's experience and behaviour, but that the diversity and individuality of children's lives should be acknowledged.

Most social workers talked about young people as immature. They emphasised their need for protection, the risks to young people and their dependence on adults. They tended to have a paternalistic, protectionist view of young people quite opposed to liberationist principles. For example, Sharon said that social workers knew better than young people themselves what children needed. The social workers talked about young people in terms of their needs, understandably, since a primary role of social workers is to assess the needs of children according to the Framework for the Assessment of Children in Need and their Families (Department of Health, 2000) and the Common Assessment Framework (Children's Workforce Development Council, 2007). These frameworks follow developmental psychological theories which look at stages of development from infancy to maturity and consider what children need to achieve these stages. The social workers also talked in terms of young people needing control and discipline. Gillian and Martin, for example, said they thought that parents should be able to discipline their children effectively, using physical punishment for their own good.

These differing views raise many issues about the attitudes of the professionals to young people. The rights workers' views accorded most with social constructionist theories that see the separation of childhood and adulthood as false and oppressive. These theories challenge traditional psychological theories of childhood, which govern much of the work of social workers. Some commentators see developmental theories as 'pathologising' young people and their families by measuring them against certain prescribed stages, social, physical, behavioural and emotional as if these were incontrovertible truths (White, 1998). It can be argued that to measure children and young people against some norm of development may be to emphasise their weaknesses rather than their strengths and may also privilege certain social and cultural values and behaviours over others.

In challenging the perceived oppressions of children and young people, the position of the rights workers was to 'move' the young people across the binary divide cited above and consider them as adults, as mature, competent independent *beings*. In practice, however, as I shall discuss further below, the rights workers found it difficult to adhere to this viewpoint in their dealings with the young people since they were aware that it could lead to harm.

This leads to some important arguments. Taking a more inclusive and relational viewpoint of the range of humanity, that we are all, whether children or adults, imperfect *becomings* rather than beings avoids some of the contradictions inherent in the liberationist stance (Lee, 2001; 2005; Prout, 2005). If we admit that we may

all need some assistance at whatever stage of life this obviates the need to differentiate and to insist on the negative conceptualisations of childhood such as immaturity, incompetence and naïveté. To regard young people as an oppressed group in society could be seen as further polarising the difference between young people and adults. It leads to a position of young people as separate from adults and in conflict with them. Many of the reservations that professionals in the study had about young people's independence and autonomy derived from concerns, sometimes not fully articulated, about *relationality*, that is an awareness of young people's relation to others of importance in their lives. Lee's (2005) concept of young people as 'separable' but not separate attempts to address this dilemma. Concepts of *interdependence*, as argued by ethics of care proponents (Tronto, 1993; Sevenhuijsen, 1998), also avoid this polarisation and avoid categorising young people in the binaries of either independent or dependent. I shall continue this discussion in the conclusions that follow and consider implications for practice.

### **Care and rights: principles and practice**

This final section gets to the heart of the differences between the fundamental principles of an ethic of care and an ethic of rights and their applications to practice. As discussed in Chapter One, universalist principles of rights emphasise individual freedom and presuppose autonomy and competence, whilst a care ethic emphasises the relational aspects of human nature and the connectedness and context of people's everyday reality. Theorists who have considered children's rights in light of a care ethic have pointed out the particular importance of young

people's attachments to those around them (Arneil, 2002) and that they find themselves in 'a complex web of relationships' (Kelly, 2005; Smart, 2007).

Many of the young people in the study were acutely aware of their 'webs of relationships' and these were not always a positive experience for them. Unlike many young people, they had to deal with a complex network of family members, paid carers and professional workers. They were particularly concerned about upsetting their care arrangements. Since most were dependent on paid carers for their basic needs they had to be very careful about being rejected for speaking out or complaining. Whilst they appreciated being able to voice their concerns to rights workers, in practice this sometimes had unintended consequences like having to move from a foster home. Timothy, for example, explained how he took a circuitous route to make sure that a complaint he made to rights workers would not get back to his foster mother.

Rights workers in the study were adamant about sticking to the principles of advocacy such as voicing the young people's wishes and feelings rather than translating these or '*distilling*' these (James) through their own judgments. They were clear that it was not their role to take account of young people's best interests and maintained that they did not need to know young people's family background or the context of their lives in order to advocate. All these principles are based on the Advocacy Standards (Department of Health, 2002).

The rights workers' insistence on these principles set the two groups of professional workers against each other. It was clear that the social workers were closer in this respect to the general principles of a care ethic. They were particularly concerned about the consequences for young people if the context of their lives was not understood and acted on by the rights workers and they went on 'irresponsibly' advocating for something that was against young people's best interests. They gave examples of risks to young people, actual and narrowly avoided, from their experiences of working with rights workers. Examples given included a rights worker advocating for a young person to remain in a foster home where she was at risk of abuse until the social worker explained the situation to him, and a rights worker who was promoting a young woman's unsupervised contact with her extended family whilst unaware of their history of violent and abusive behaviour. Social workers regarded the rights workers as naïve and irresponsible for not finding out about the wider context of young people's lives.

In practice, however, adherence to these advocacy principles created a range of dilemmas for the rights workers. For example, they were concerned about possible repercussions on young people from foster and residential carers if they pursued complaints or pressed for young people's rights. They were also worried about young people's safety if a foster placement broke down or if they remained in a foster home where they were badly treated. In order to try and resolve such dilemmas they talked about adopting strategies such as emphasising to young people the responsibilities that existed alongside their rights so they would not

*'march back in the children's home'* demanding their rights (Sarah). They said they 'explored' young people's wishes with them before expressing them to other professionals, not wanting the young people to appear naïve. Some also admitted that they did make judgments about what was best for young people. Others were less clear about this but all found it difficult to avoid some reference to the consequences of their work. Even those who maintained, like Alan, that he was not making judgments were actually deciding which of the young people's concerns merited taking 'to the top'. He would not advocate strongly for 'white chocolate trainers' but he would for a young person to be moved from an ex crack house where she was assaulted by drug dealers. I would argue that the rights workers felt morally unable at times to act in accordance with the advocacy principles they formally espoused.

We need to ask, therefore, whether the rights workers were actually adhering to best interests principles. They were all adamant that they were not apart from Sarah who made contradictory comments about this. So what were they using as a basis for their judgments? Alan mentioned, *'doing what's right for a child'* but it is not clear how he decided this without reference to best interests. Some talked about the standard of their work for the young people as being the same as for their own children, or for those in care *'to be treated like they were at home'*. The former would seem to be a rather arbitrary standard since families have a wide range of different values and aspirations for their children, and the latter would seem

potentially dangerous since many young people are accommodated because of poor care or abuse in their birth family.

I would concur with Fortin (2005) and Archard (2005) who maintain that the issue of young people's best interests cannot be escaped by a total shift to championing their rights. Fortin (2005) argues that the principles of children's rights and best interests should not be separated. She maintains that promotion of children's rights should include evidence of their best interests also, since not to do so would assume that their rights will always be interpreted for the good. Similarly, Archard (2005) maintains that a shift to a rights based solution cannot be the answer since rights are even more contestable than best interests. He suggests that the key questions to ask are *who* determines a child's best interests and how far young people should be involved in this.

Some commentators argue that a strict adherence to universalist principles per se is misguided and that in practice professionals should always take account of context rather than relying on principles. Thus, the rights workers should not be trying to keep inflexibly to the principles of always just voicing young people's concerns and not acting in their best interests. This viewpoint owes its foundation to relational and ethics of care theories which emphasise the importance of context in decision making rather than principle. The case has been argued for this in psychological practice (Slife, 2005) and in family law cases (Smart and Neale,



1999; Kelly, 2005). Slife (2005), for example, argues that practice only exists in relation to actual real world situations:

If, for instance, you ask experts a theoretical question, their answers draw on abstract principles, often without much qualification. If, however, you ask experts a *practical* question an onslaught of 'it depends' statements cascades from their lips. (Slife, 2005: 158)

But can we abandon rights principles altogether? There are some misgivings. If everything were contingent on particular context then all decisions could be seen as arbitrary. Kelly (2005) recognises this problem when she asks whether an ethic of care might be too discretionary to be incorporated into family law. Houston (1992) and Cockburn (2005) have argued that, while relational theorists have successfully argued against a universalist position in relation to children's rights, nevertheless retaining the discourse of rights has its uses. The language of rights can be useful politically to promote children and young people's interests, while abandoning rights might leave them more vulnerable to abuse. This is a pragmatic stance on children's rights practice that I shall discuss further in the Conclusion. However, I consider that post-structuralist theory about different discourses can also shed light on this issue. To replace the dominant discourse of rights with a discourse of care or universalist theory with relational theory is merely to reverse the hierarchy. In considering the binary discourses of care and rights it is not necessary to privilege one or the other but to try to avoid a polarisation and to bring the meaning of the

opposed concept into the privileged concept to try to create a new understanding. Sevenhuijsen (1998) argues this position in trying to locate an ethic of care in citizenship discourse.

I would argue, firstly, that both social work and children's rights work need to draw on a more unified discourse of care and rights. This is not to say that there should not be challenges to the social care bureaucracy but that young people's interests are not always served by a polarisation of care and rights. Secondly, I also suggest, as argued elsewhere (Barnes, 2007), that it might be possible to incorporate a care ethic into the principles of children's rights through a practice concept of 'caring advocacy'. This includes a recognition that sometimes rights workers will need to consider the context of children and young people's lives and that they need to be aware when they are making judgments and reflect on *how* they are making these judgments. Finally, there is also a case for social workers to learn from children's rights practice and bring *care* back into social workers' individual relationships with young people. This 'reclaiming' of care is not necessarily a popular suggestion and does not fit with the managerialist business culture of current social care organisations. I shall discuss these three issues in further detail and their implications for practice in the conclusions that follow.

## **CHAPTER 7: CONCLUSIONS**

### **Research aims**

My original research aims, as outlined in the introduction to the thesis, have been largely met in the study findings. One of the strengths of the study has been the wealth of data from the interviews, but this also led to difficulties in trying to analyse this without losing its richness. Comparing the views of the three groups of participants without neglecting important and interesting aspects of these has been a complex and lengthy process but it has highlighted some original findings about young people's experiences and the professionals' work.

In terms of the first aim, I consider that I have added to the sum of 'knowledge and understanding about the experiences and views of looked after children and young people' about the professionals' work with them. I have been fortunate that young people were willing to talk about the services they received from rights workers and social workers. Some were very articulate about this and talked at length, but I have tried to reflect the expressed views of all those who took part. As outlined in the Methodology Chapter, there will be some bias in the findings because it was likely that the more confident young people had agreed to participate in the study, and I have acknowledged elsewhere that this was not a representative sample of young people or of professional workers. However, I consider that I have achieved some depth and validity in the portrayal of their views and gained some important

insights. My study highlights, for example, the importance to young people that professionals *cared*, as discussed further below.

In terms of the second and third research aims, I also consider that I have added to ‘knowledge and understanding about the experiences and views of children's rights workers and social workers’ about their work with, and attitudes to, children and young people. The professional workers were very forthcoming about their work with young people and with each other, and I gained very rich material from the interviews. I was able to analyse in detail their models and approaches to the work and, although there was some variation within the two professional groups, the data highlighted the sort of polarised views that I had hypothesised. One key finding, in terms of adding to knowledge, was that paradoxically, rights workers appeared more caring than social workers who seemed more concerned about *managing* young people’s care.

My fourth aim was ‘to make an original contribution to childhood studies through considering the understanding and application of the principles of rights and care’ in the practice of children’s rights workers and social workers. I consider that my discussion of the findings, outlined in the previous chapter, extends the debate about an ethic of care by applying it to the situations of looked after children and young people in their relationships with children’s rights workers and social workers. It offers new insights, for example, about the difficulty for young people and their rights workers of ignoring young people’s ‘webs of relationships’ and the

context of their lives.

The final aim was ‘to contribute to the development of practice’, and I discuss below some important implications for social work and rights work.

## **Summary and conclusions**

One of the main messages that I have highlighted from the study findings has been about young people’s experiences of their relationships with the two different groups of workers. It was remarkably clear to me from the interviews how important it was to young people to have good relationships with their professional workers. They did not just want children’s rights workers and social workers to do their jobs well, although this was clearly important to them too, but they also really wanted workers who showed they cared about them. Everything followed from this. If workers showed they cared then they were trusted and could even be forgiven minor lapses. If they were providing a ‘robotic’, impersonal service young people felt devalued and angry. Paradoxically, though there were a few exceptions, the young people saw rights workers as caring and social workers as not.

## **Social workers and a care ethic**

There are many implications that follow from this. For social workers, who were largely seen as not caring, should and *could* they alter their practice with young people and become more caring? Could they focus more on incorporating elements of a care ethic into their practice such as those outlined by Tronto (1993), cited

above? As described in the Findings and Discussion chapters, social workers were preoccupied with *managing* care in a service that is driven by accountability and targets and not with the process of their work or their relationships with young people. They took an overview of young people's situations, a view which incorporated young people's families, their carers and the other professionals and agencies involved. They held responsibility for young people's safety and stability, hence they were acutely concerned about the possibility of child abuse by family or carers and concerned that care arrangements should not break down.

From my analysis of the findings, I consider that many of the social workers were not aware how important it was to the young people to feel cared about and valued by them. Certainly they did not talk about this. Perhaps they were not aware what important figures they were in the young people's lives. Young people saw them as wielding enormous power and influence over their lives and yet their workers were often unavailable to speak to and seemed remote and uninterested. Young people experienced a lack of warmth from social workers and a sense of them as cold parents. Social workers held a kind of parental responsibility often without the resources to fulfil the role of a good parent. The relationship between young people and themselves was frequently a series of negative experiences without the mitigating good experiences that would normally sustain a parent child relationship.

The social workers were evidently pleased that rights workers and other professionals could be there to help with young people and spend the time with

them that they said they were unable to. Clearly, work pressures were a large factor in their lives but I do not share the view, often presented by the young people and the rights workers, that the social workers did not care about the young people. Evidence from the interviews suggests that they were very concerned for young people's overall welfare. Unfortunately, they largely did not demonstrate this to the young people and, besides *alienating* them, often this actually made it more difficult to do their work. The young people mistrusted them and it could be even more time consuming to resolve disputes. For example, if the social worker, Sally, had been able to sustain a better relationship with Katy (a young woman in foster care who wanted more contact with her birth family) it might not have been necessary to hold repeated meetings to resolve the issues.

It is a rather obvious and often stated piece of advice to social workers that they should focus more on children and young people. Nevertheless, my study adds strong support to this view. I would argue that social workers' focus should be on developing more positive relationships with young people, rather than just managing and trouble-shooting. Yet many obstacles to this still exist. Firstly, social workers are not always able to fulfil young people's wishes for a variety of reasons, such as a lack of resources or potential risk to the young person. Yet none of the young people in the study was particularly demanding or unreasonable in their requests and they tended to be more concerned about the process of the work than about outcomes. If social workers were *able* to take time to involve young people

and to explain the choices or lack of them as did the rights workers then the young people may have felt less alienated.

Secondly, lack of time was a major obstacle to building relationships with young people and this was affected by the structure of the work. Organisationally, the profession of social work, like many others, has been heading further and further into the realm of trying to ensure complete accountability to protect itself from any risk of blame for ills that should befall children and young people. Hence paper trails, or computerised trails of recording their work, take priority over care and relationships (Shaw et al., 2009). A care ethic in social work is compromised by every new scandal of child abuse and its alleged mismanagement, shifting the profession further in the direction of risk aversion and accountability. Fuelled by media attention, politicians react to every new event by trying to introduce new safeguards which affect the whole of children's care services. There have been recent criticisms of this trend calling for it to halt (Conservative Party Commission on Social Workers, 2009) but it is not clear what impact they will have.

Here we return to the vexed question of how the individual worker can uphold his or her principles when faced with the power of the organisation to which he or she belongs. Studies of organisations suggest that organisational culture has a strong influence over its members and that people get sucked into the ethos (Johnson and Scholes, 2008). For those that are not sucked in, trying to maintain integrity in their work is difficult and can even cause them to be criticised and regarded as poor



workers. Hence, even if social workers recognise the importance of relationships with their young service users, it may be difficult to maintain this within the demands and culture of the organisation.

In its overall ethos, as discussed earlier, social work is closer to a care ethic (at least in theory) than children's rights work, much of its practice being in line with relational theory, prioritising context and contingency over principles, but the current culture of social work does not adhere to a care ethic in individual relationships with young people. More emphasis on a care ethic in the training of social workers, at qualifying level and beyond, might heighten awareness of the implications of current practice and help to redress the balance between a focus on systems in the work and a focus on the individual. Workers should be encouraged to reflect on their role in caring for children and young people, recognising that they are important figures in young people's lives rather than just care managers. They also need to reflect on their values and attitudes to children and young people in relation to the binaries discussed in the previous chapter, such as young people as dependent, independent or interdependent and as beings or becomings, as well as examining their personal opinions about children in terms of liberationism and protectionism. This is not to replace other important learning such as conducting good assessments and proper safeguarding. However, it could help underline the basic features of caring practice that service users want from their workers, and help workers to reflect more thoroughly on their practice with children and young people.

### **Caring advocacy**

As strongly evidenced in the study, the young people felt that they received good care from the rights workers and this matched all aspects of a care ethic as outlined in Tronto's (1993) typology. The young people felt valued and cared about by rights workers. Thus, paradoxically, children's rights workers came closer to a 'care ethic' in their relationships with young people than the social workers. Further, in this they were keen to be seen as different from social workers and hence risked *compensating* for the lack of 'caring about' and good practice offered in the social care system.

The question arises whether children's rights workers were doing work with young people that really belonged to the territory of social work. Certainly, some of the rights workers thought this might be the case and some of the young people did not see a difference in the roles of the two groups of workers. In all aspects, I would argue that their practice was closer to social work than they alleged. Although they maintained that it was not their role to work in the best interests of children and young people or to make judgments, their practice suggested otherwise. Where they ignored the context of young people's lives and the consequences of their work this could lead to problems for young people and so they developed strategies to avoid such harm. This raises a number of questions about the principles of rights work. For example, does it imply that rights workers should acknowledge a moral impossibility of working with young people whilst ignoring the context of their lives and ignoring the consequences of the work? Should they acknowledge,

further, that it is morally impossible in practice to uphold the principles of rights and advocacy with young people such as *only* finding out their wishes and feelings and voicing concerns? Do children's rights workers need to understand and acknowledge the principles of a care ethic in their work with young people such as the importance of relatedness and context? Therefore, finally, are the universalist principles of rights really possible to uphold in practice with young people?

It could be argued that if rights workers were to admit that they do make best interests judgments this might undermine their strategic position of influence for the good in children's lives. However, if, as I allege, rights workers are making judgments about young people's lives they need to have a standard by which to judge. I have argued elsewhere (Barnes, 2007) that *caring advocacy* can provide a starting point for considering a more sophisticated analysis of practice in rights work with young people. As outlined in the section on Advocacy in Chapter One, rights work currently aims to empower young people, promote their participation in decision making and represent them by 'voicing' their wishes and feelings.

A model that incorporates a care ethic into rights practice would build on an already strong care ethic in these workers' relationships with young people and would continue to give attention to the process of work with young people, promoting their involvement in decisions on as equal as possible a basis. It would also acknowledge the power of adults, as many rights workers already do, and attempt to redress this, continuing to avoid the kind of paternalism of which social

workers are frequently accused. However, instead of pretending that young people can be classified along with adults as autonomous, competent social actors it would consider ethics of care arguments about the interdependence of people of all ages and see young people, like adults, as ‘becomings’ who need assistance in a variety of ways. The theoretical model that I outline in Chapter One (page 53) for incorporating an ethic of care into children’s rights could serve as the basis for this practice model. The key elements in this are that rights practitioners should continue to place children and young people at the centre of their worlds and respect their individuality and agency, but not assume their autonomy. Instead of just relying on universalist principles of rights, they should also take account of the importance of relationships and connections in young people’s lives and the importance of care and care-giving.

Training for children’s rights workers is still quite limited and needs to be expanded so that more of this workforce can benefit. Training that does operate needs to look critically at principles and practice and the limitations of universalist rights based practice. It needs to consider how best to use the principles of rights and care and bear in mind that, whilst the binaries of rights and care are helpful in raising awareness of the issues, workers need to be careful about polarised positions which can be unhelpful to young people in practice. Workers also need to reflect whether rights principles are always operable, how they are making the judgments they very often *are* making and whether they do need to think more about the consequences for young people of their work.

### **Bigger picture**

Considering the wider picture of young people in the social care system, it could be argued that the microcosm of individual rights workers pitched against individual social workers on behalf of young people leads to a tendency to blame individuals rather than focusing on the political environment. This kind of scenario is a common feature of the modern blame culture, as discussed earlier. At a practice level, as evidenced by the study, the conflict between social workers and rights workers is not always helpful to the young people involved, for example where individual rights workers accuse social workers of poor, uncaring practice and social workers accuse rights workers of irresponsibility and naïveté. If social workers and rights workers have this individual focus then the bigger picture of under funding can be masked. Could it be, as implied by Bateman (2000), that social work and children's rights work are set against each other to mask the lack of adequate provision for children and young people in need?

However, where there is a lack of adequate provision rights discourse has a clear role to play in opposing this. From the point of view of the young people in this study, they were in very powerless situations and needed a system of social care that could be challenged to try to improve their lives. In many cases the rights workers were able to help. In a pragmatic world rights still are useful weapons and, as Jones (1994: 227) put so forcefully,

We should remember why it is that people have taken up the idea of rights. Outside the cocooned world of the academy, people are still victims of torture, still subjected to genocide, still deprived of basic freedoms and still dying through starvation. We should remember those people before we decide to forget about rights.

### **Final thoughts and future directions**

I consider that this study has added to knowledge and understanding about what looked after young people want from children's rights and social work, how the two groups of professionals operate and their attitudes to young people and to their work with them. I also consider that it has furthered the debate about the principles and practice of rights and care in work with children and young people and offered some suggestions about improving practice through consideration of an ethic of care.

Clearly, this is a small scale study and is a 'snap shot' in a particular time and place of the situations of twenty young people and two groups of professionals working with them. It is a qualitative study and my interpretation of the findings is affected by my own particular situation and world view, as I have attempted to make explicit. Despite these limitations, I consider that it has made an original contribution to the study of looked after young people, and I hope that further research may be able to build on this study to help improve their lot, just as this study has built on the work of others.

There are other studies, cited earlier, that support the findings of this one in terms of young people's negative experiences of social work. However, I consider that this study has added further understanding of the plight of young people who live in substitute care and their difficulties in getting simple basic needs met. It also affirms the importance of social workers to these young people and the difficulty for social workers of being able to demonstrate that they care.

As well as highlighting the positive contribution of children's rights workers in the lives of young people, as other studies previously have, I consider that this study has added a new depth of understanding about the roles of rights workers and the dilemmas and conflicts they face in their work. In particular, it questions some of the assumptions commonly made about the ease of operating rights principles in practice with young people. I consider that further qualitative studies to explore such factors in depth with rights workers and advocates could help provide a better understanding that might enhance the ethical basis of their work.

The study also highlights the significance of workers' attitudes to young people which appear to be affected by their professional role and their organisational ethos. I think that further work in this area of professionals' attitudes to young people would be illuminating and could, perhaps, include other professionals such as nurses and teachers as a comparison. This research could help to heighten awareness of the impact of role and organisation and enable professionals to reflect on their professional behaviour with young people to help them improve the

services they provide. Such an understanding is particularly relevant at a time, following the Children Act 2004, when professionals working with children and young people are increasingly expected to work together, often within the same management structures.

Finally, although this is a small scale study, I hope that the findings can help to raise the profile of matters that are important to young people, particularly their appreciation of caring workers and that some professionals will be persuaded to heed their words.



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## **SOCIAL WORKERS AND CHILDREN'S RIGHTS WORKERS?**



	<b>DO ALREADY</b>	<b>WISH THEY WOULD</b>	<b>DON'T WANT THEM TO</b>
Involve me in decisions			
Take up complaints for me			
Easy to contact			
Listen to me			
Fun to be with			



## **SOCIAL WORKERS AND CHILDREN'S RIGHTS WORKERS?**



	<b>DO ALREADY</b>	<b>WISH THEY WOULD</b>	<b>DON'T WANT THEM TO</b>
Do what they say they will			
Keep things confidential			
Keep me in contact with family/friends			
Treat me with respect			
Act quickly			



## **SOCIAL WORKERS AND CHILDREN'S RIGHTS WORKERS?**



	<b>DO ALREADY</b>	<b>WISH THEY WOULD</b>	<b>DON'T WANT THEM TO</b>
See me enough			
Treat me as equal			
Make me feel valued			
Involve me in activities			
Take my side			

## *Appendix 2a*

### **Interviews with children and young people**

Introduction, Explanation, Consent form

#### **Interview schedule (prompts of areas to cover)**

##### **1. Social Services**

Do you have a social worker? If so, how long? (Have you had others? - and details)

If not, who do you contact in social services?

Can you describe (tell me about) your social worker/ contact in social services/ previous social worker?

What are they like?

##### **General contacts**

How often do you see your social worker?

What's this for? (Reviews? etc?)

When, where do you see them?

What sort of things do you talk about? (Not personal details – but types of things e.g. school, family)

##### **Specific contact**

Describe / tell me about last time you saw your social worker

##### **Relationship**

How do you get on?

What's their attitude to you? (Your views heard? Involved in decisions? Help - independence? Power relations?)

##### **Understanding and evaluation of work**

How do you think your social worker is trying to help you?

Do you feel you know what their work is about? (boundaries and limitations)

Has it helped you? How?

Any problems?

What's useful about having a social worker? What isn't?

What do you want from them?

## **2. Children's Rights workers**

Have you had an individual children's rights worker/ advocate? (groups?)

Can you describe/ tell me about your children's rights worker? What are they like?

### **General contacts**

When advocacy? How long? (weeks? months?)

What is this for?

When, where did you see them?

What sort of things do you talk about? (Not personal details – but types of things e.g. school, family)

### **Specific Contact**

Describe / tell me about last time you saw your children's rights worker

### **Relationship**

How do you get on?

What is their attitude to you (Your views heard? Involved in decisions? Help - independence? Power relations?)

### **Understanding and evaluation of work**

How do you think your children's rights worker is trying to help you?

Do you feel you know what their work is about? (boundaries and limitations)

Has it helped you? How?

Any problems?

What's useful about having a children's rights worker? What isn't?

What do you want from them?

### **General advocacy**

What does advocacy / children's rights mean to you? (power?)

If there was a complaint you wanted to make about your foster carer/ residential worker - would you expect children rights to take it up directly with them – or should they tackle it another way?)

### **3. Comparison**

Do you think there's a difference between what social workers and children's rights workers do?

If so what is this? Differences in:

- Relationship?
- How they do their work?
- Limitations/ boundaries?
- How helpful?

What do other people you know think about social workers and children's rights workers?

### **Scenarios**

Who would you go to if:

- 1) you fell out with your foster mum or dad /workers in residential
- 2) you had a problem at school
- 3) personal relationship problem – with friend or family member
- 4) health problem

Can you talk about an example?

Who's there for you (to help you to achieve your goals in life?) – children's rights or social worker?

### **4. General**

Other workers? Anyone else (worker) who makes a real difference to you/ acts as advocate? Children's guardians? Youth workers, residential? Foster carer?

Anything else you want to add?

## **5. Demographics**

Age

Male/female

Ethnicity

Disability

Length of time in care (if so)

Foster care /residential

Care order/ looked after?



## **Interview with Children's Rights Workers**

Introduction, Explanation, Consent form

### **Interview schedule - prompts of areas to cover**

#### **1. Your work with children and young people**

What are the aims of your work with children and young people like (*name*).....?

Can you describe the sort of work you do with children and young people like ....?

What model do you use - advocacy/ rights?

Can you describe your last meeting with .....?

Do you think ... benefits from the service? (- if so how?)

What are the positives/ rewards of this kind of work?

What are the difficulties of this kind of work?

Do you think that practice has changed/is changing (if so in what direction?)

#### **2. Attitudes to children's rights**

What are your views about children's rights, generally? What do you think about the principles of children's rights?

What do you think about the organisation of children's rights in your area?  
(include individual and group work and independence/funding)

Are there any organisational issues that might affect/undermine children's rights?

What is your experience of working with social services together for children and young people?

#### **3. Differences between children's rights and social work**

Can you see any similarities/ differences in the work you and social workers do for young people?

Do you think there are any conflicts?

#### **4. General attitudes to working with children and young people**

How do you see young people (like ...)?

Do you think they should have more independence/ dependence - or be more protected?

Do you see (*name*) them as immature and incompetent or more as someone responsible for their own actions (social actors, beings /becomings)

Should we focus more on their needs or on their rights?

How important is the context of work with young people as opposed to universal principles?

Should there be more/ less rights for children - and in what areas?

Do you think that young women /men have a different attitude to children's rights? Does gender play any role in children's rights?

**Anything else you want to add?**

## **Interview with Social Workers**

Introduction, Explanation, Consent form

### **Interview schedule (prompts of areas to cover)**

#### **1. Your work with children and young people**

What are the aims of your work with children and young people like *(name)*.....?

Can you describe the sort of work you do with children and young people like ....?

Can you describe your last meeting with .....?

What are the positives/ rewards of this kind of work?

What are the difficulties of this kind of work?

Do you think that practice has changed/is changing (if so in what direction?)

#### **2. Attitudes to children's rights**

What are your views about children's rights, generally? What do you think about the principles of children's rights?

What do you think about the organisation of children's rights work in your area?  
(independence/ funding)

What is your experience of working with children's rights workers for children and young people?

Do you think ... benefits from the service?(– if so how?)

Are there any organisational issues that might affect/undermine children's rights?

#### **3. Differences between children's rights and social work**

Can you see any similarities/ differences in the work you and children's rights workers do for young people?

Do you think there are any conflicts?

#### **4. General attitudes to working with children and young people**

How do you see young people (like ...)?

Do you think young people like ... should have more independence/ dependence - or be more protected?

How far do you see (*name*) them as competent and responsible for their own actions (social actors, Beings /becomings)?

Should we focus more on their needs or on their rights?

How important is the context of work with young people as opposed to universal principles?

Should there be more/ less rights for children - and in what areas?

Do you think that young women /men have a different attitude to children's rights? Does gender play any role in children's rights?

**Anything else you want to add?**

## **Interviews with Children and Young People (revised)**

Introduction, Explanation, Consent form, Demographics

### **Interview schedule (*prompts of areas to cover*)**

#### **1. Social services**

Do you have a social worker? If so, how long?

Have you had others? (and details) (If not who do you contact in social services?)

Can you describe (tell me about) social worker/ contact in social services/ previous social worker?

What are they like?

#### **General contacts**

How often do you see your social worker?

What's this for? (reviews? etc?)

When, where do you see them?

What sort of things do you talk about? (not personal details – but types of things e.g. school, family)

#### **Specific contact**

Can you describe / tell me about last time you saw your social worker?

#### **Relationship**

How do you get on?

What's their attitude to you? (Your views heard? Involved in decisions? Help – independence? Power relations?)

#### **Understanding and evaluation of work**

How do you think social worker is trying to help you?

Do you feel you know what their work is about? (boundaries and limitations)

Has it helped you? How?

Any problems?

What's useful about having a social worker? What isn't?

What else do you want from them?

## **2. Children's rights workers**

Have you had an individual children's rights worker/ advocate – groups?

Can you describe/ tell me about children's rights worker? What are they like?

### **General contacts**

When advocacy? How long (weeks? months?)

What is this for?

When, where did you see them?

What sort of things do you talk about? (not personal details – but types of things e.g. school, family)

### **Specific Contact**

Describe / tell me about last time you saw your children's rights worker

### **Relationship**

How do you get on?

What is their attitude to you (your views heard? Involved in decisions? Help – independence? Power relations?)

### **Understanding and evaluation of work**

How do you think your children's rights worker is trying to help you?

Do you feel you know what their work is about? (boundaries and limitations)

Has it helped you? How?

Any problems?

What's useful about having a children's rights worker? What isn't?

What else do you want from them?

### **General advocacy**

What does advocacy / children's rights mean to you? (power?)

Do you think young women and men (boys and girls) have a different attitude to rights?

How much do you think a children's rights worker needs to know about your personal background to help?

How would you feel (have felt) about making a complaint about a foster carer/ residential worker when still living there?

How about complaints about social workers?

Would you expect children's rights to take it up directly with them – or should they tackle it another way?

Do you have any experience of these?

### **3. Comparison**

Do you think there's a difference between what social workers and children's rights workers do?

If so what is this? Differences in: Relationship? How they do their work? Limitations/ boundaries? How helpful? Care role?

What do other people you know think about social workers and children's rights workers?

(Negative views about social workers – where do they come from?)

### **Scenarios**

Who would you go to if:

- 5) you fell out with your foster mum or dad /workers in residential
- 6) you had a problem at school
- 7) personal relationship problem – with friend or family member
- 8) health problem

Can you talk about an example?

Who's there for you (to help you to achieve your goals in life?) – children's rights or social worker?

#### **4. Other workers?**

Anyone else (worker) who makes a real difference to you/ acts as advocate

**Children's guardians? Youth workers, residential? Foster carer?**

**Anything else you want to add?**

#### **Demographics**

Age

Male/female

Ethnicity


Disability

Length of time in care (if so)


Foster care /residential

Care order/ looked after?





## Children's Advocacy and Rights Research



My name is Viv Barnes. I work at Coventry University and I'm doing some research about people's views of Children's Rights Services compared with Social Work Services.

YOUR VIEWS ARE VERY IMPORTANT because these services are meant to help YOU.


I'd like to talk confidentially to young people like you - who have worked with Children's Rights workers and Social Workers and ask what you think. I shall also ask your permission to talk to your Children's Rights worker and your Social Worker about their work. (I will not be asking them confidential details about you)

I'm hoping to make the interviews relaxed and friendly - and you will receive a £15 voucher for taking part. I'm happy to come and talk to you wherever you feel most comfortable - e.g. at home or a quiet room at Children's Rights. You will not have to answer any questions you are not happy about and your name will not be mentioned in any reports. You will be able to see what has been written and talk to me about changing it before other people see it.

If you are under 16, I may need to get permission from other people to talk to you, like your parent or social worker.

Please write your NAME, AGE, ADDRESS and TELEPHONE NUMBER if you want to take part

.....  
.....  
.....  
.....  
..... Thanks, Viv



## **Children's Advocacy and Rights Research**



### **Letter to Parents and Carers**

Dear...

... has volunteered to take part in a research study. We also wanted to let you know about this.

#### **About the research and the researcher**

The study is trying to find out about the value of Children's Rights and other Social Work Services for young people. Young people's views are very important because these services are meant to help them.

Viv Barnes, the researcher, works at Coventry University. She will be talking to many young people, children's rights workers and social workers across the whole of the Midlands to get their views.

Social Services and the Children's Rights Service have agreed to contact young people they know and ask if they would like to take part in the study. Only the names of the people who agree, will be passed on to the researcher. Viv Barnes has worked with young people for many years and [like everyone who does this sort of work] she has had a recent police check to make sure that she has not committed any offences against children.

#### **About the interviews**

Taking part in the research is completely voluntary and young people can change their mind at any time if they do not wish to continue. Young people who agree to take part, will be asked to have one discussion with the researcher lasting up to an hour. The interviews will be informal and friendly and the young people will not have to answer any questions that they do not want to.

#### **Confidentiality**

The things the young people tell Viv will be kept private and confidential. (The only exception to this would be if one of them told her that someone was being harmed


or was in danger. If this happened, she would discuss the situation with them while deciding on the best course of action). Nothing that Viv writes will mention ...'s name and her personal details.

If you wish for any further information please contact Viv Barnes at:


Coventry University  
School of Health and Social Sciences  
Priory St  
Coventry  
CV1 5FB

Tel. 02476 795814

Email. [v.barnes@coventry.ac.uk](mailto:v.barnes@coventry.ac.uk)



## **Children's Advocacy and Rights Research**



### **Consent Form for young people**

#### **What's the research about?**

This is a research project that is trying to find out about the value of Children's Rights and other Social Work Services for young people. Your views are very important because these services are meant to help YOU.

#### **Who is doing the research?**

My name is Viv Barnes and I work at Coventry University. I have worked with young people for many years and I will be talking to young people, children's rights workers and social workers across the whole of the Midlands to get their views.

#### **What will the interviews be like?**

Taking part in the research is completely voluntary and you can change your mind and stop at any time if you do not wish to continue. I expect to talk with you for up to an hour and I hope to make the interview informal and friendly. You do not have to answer any questions you do not want to. There are no right and wrong answers to my questions - I just want to hear your views.

We can talk wherever you feel most comfortable - e.g. at home or a quiet room at Children's Rights. You may have someone with you at the interview if you wish - like a friend or a relative.

#### **Will anyone else know what I say?**


The things you say will be kept private and confidential. (The only exception to this would be if you said that someone was being harmed or was in danger. If this happened, I will discuss the situation with you while deciding on the best course of action). Nothing that I write will mention your name or your personal details. If you are under 16, I may need to get permission from other people to talk to you, like your parent or social worker.

**And finally....**


I am hoping that you will enjoy taking part in the study and you will be given a voucher for £15 as a way of saying thank you.

I have read about the research / had the research explained to me and I am happy to take part

Signed..... Date.....



## **Children's Advocacy and Rights Research**



### **Consent form for Parents and Carers**

Dear .....

We have written/spoken to ..... to ask if she would like to take part in a research study. We also wanted to ask your permission for her to do this if she would like to.

#### **About the research and the researcher**

The study is trying to find out about the value of Children's Rights and other Social Work Services for young people. Young people's views are very important because these services are meant to help them.

Viv Barnes, the researcher, works at Coventry University. She will be talking to many young people, children's rights workers and social workers across the whole of the Midlands to get their views.

Social Services and the Children's Rights Team have agreed to contact young people they know and ask if they would like to take part in the study. Only the names of the people who agree, will be passed on to the researcher. Viv Barnes has worked with young people for many years and [like everyone who does this sort of work] she has had a recent police check to make sure that she has not committed any offences against children.

#### **About the interviews**

Taking part in the research is completely voluntary and young people can change their mind at any time if they do not wish to continue. Young people who agree to take part, will be asked to have one discussion with the researcher lasting about an hour. The interviews will be informal and friendly and the young people will not have to answer any questions that they do not want to. There are no right and wrong answers to Viv's questions - she will just want to hear the young people's own views on various topics. These discussions can take place wherever they feel most comfortable - e.g. at home or a quiet room at Children's Rights. ....may have someone with her/him at the interview if they wish - like a friend or a relative.

## Confidentiality

The things the young people tell Viv will be kept private and confidential. (The only exception to this would be if one of them told her that someone was being harmed or was in danger. If this happened, she would discuss the situation with them while deciding on the best course of action)

Nothing that Viv writes will mention ..... 's name and her personal details.

## Finally...

Last but not least, if .....joins in with the study, she will be given a voucher for £15 as a way of saying thank you for taking part.

If you agree to ..... 's taking part in the project, please sign this form below

I have read the notes above and I agree that .....can take part in the research

Signed.....


Date.....

If you wish for any further information please contact Viv Barnes at:


Coventry University  
School of Health and Social Sciences  
Priory St  
Coventry  
CV1 5FB

Tel. 02476 795814

Email. v.barnes@coventry.ac.uk



## **Children's Advocacy and Rights Research**



### **Consent Form for professional workers**

#### **About the research and the researcher**

This is an independent study of children's rights services. The aim of the research is to explore the distinctive nature of children's rights work through a detailed study of the perspectives of children and young people receiving these services and of the professionals providing services. This study aims to explore issues in relation to the work of Children's Rights and Social Work Services for young people.

Viv Barnes, the researcher, works at Coventry University. She will be talking to many young people, children's rights workers and social workers across the Midlands to get their views.

#### **About the interviews**

Taking part in the research is completely voluntary and you can change your mind at any time if you do not wish to continue. The interview is likely to last about an hour.

#### **Confidentiality**

What you say will be kept private and confidential. Any reports that are written will not identify you or mention your name.

I have read the notes above and I agree to take part in the research

Signed.....

Date.....

If you wish for any further information please contact Viv Barnes at:  
Coventry University  
School of Health and Social Sciences  
Priory St  
Coventry CV1 5FB

Tel. 02476 795814      Email. [v.barnes@coventry.ac.uk](mailto:v.barnes@coventry.ac.uk)





## Children's Advocacy and Rights Research



### Initial Summary of Findings from Research about Children's Rights: Viv Barnes

Dear All

Sorry it's taken me so long to get back to you and a big thank you once again to all those of you who have helped me.

There will be a long report later but I would like to check out some of the findings with you at this stage.

- *What happened in the research?*

I talked at length to 20 young people who had worked with Children's Rights Groups from different projects across the Midlands. They ranged in age from 12 to 20. Three of the young people were also having advice about their own children. There was a more or less equal mix of young women and men and there were young people from a variety of ethnic backgrounds. The young people talked about their experiences of children's rights services and of social care.

I also talked to Children's Rights workers in the projects and to social workers about their work with young people and their views about children's rights.

- *What are children's rights services in the Midlands like?*

I visited 6 projects and found that they worked differently. Some do lots of groups and consultation with young people while others do more individual work. All work with young people in care and deal with complaints but some also work with other young people about child protection and other matters.

- *What were young people's views?*

Young people were very positive about children's rights services on the whole and were clear about what they valued in workers (including social workers).

These were some of the things they liked (or would have liked!) from their workers :

Reliable	Efficient/quick response	Respect
Listened to them	Showed interest	Easily contactable
Friendly	Fair	Didn't treat like-child
Frequent contact	Took their side	Showed evidence-of valuing them
Fun (sense of humour)	Confidential	Treated as equal
Social activities	Helped family contact	
Easy to talk to	Trustworthy	
Kept them informed		

It came across strongly from talking to young people how important it was that they felt valued and respected by professional workers.

Young people said that they benefited from children's rights in many ways, for example through developing confidence in their own ability, feeling they had a voice and support from groups. Some of the difficulties that young people said they had were:

- **Making a complaint in residential care**

A young woman in residential care was horrified that all the staff knew when she talked to children's rights about a problem in the Unit and a few staff called her a '*grasser*'. She hoped her complaint would be confidential but this had been difficult in a small residential unit.

- **Trying to get things changed in foster care**

This could often be difficult and many young people were aware that they could upset their placement. They talked about trying to make sure that involving children's rights would not upset their foster carer or their social worker. One young man in foster care talked about having to work out '*a route that no one else is going to catch up on.*'

For others, complaining about their treatment in foster care had effects they did not intend. One young woman had to move from her foster home to a hostel she was very unhappy with. She said:

*'Personally, if I was in foster care again I'd never make a complaint about a foster carer again - about what they've done to you - and I'd say that to anybody in care.'*

- **Children's rights workers not being able to change things**

Practical things like overnight stays with friends and pocket money were often sorted but other things like family contact and bullying were more difficult. Even if this did not work out young people often said they appreciated the efforts that had been made.

- ***What did children rights workers and social workers say?***

Many social workers complained about not having enough time to spend with young people because of their workloads and paperwork. They said they were trying to work in the best interests of young people but sometimes young people did not agree with what they did. Sometimes they were unable to get resources for young people, such as foster carers or money and this could make young people feel that they were not being listened to.

Social workers did not always appreciate what Children's rights workers did because this worked against what *they* were doing. Many felt that there were problems if children's rights workers did not know young people's backgrounds as this could mean they were working against the best interests of young people.

Children's rights workers said they were sometimes frustrated by red tape when trying to help young people and felt they were 'banging their head against a brick wall'. They said they were trying to help young people express their wishes and feelings and they found that other workers did not always understand this. For many the aim was to help young people to speak for themselves. Some said they were helping young people to understand 'how the system works' so they could get what they wanted. A few were concerned about children going back to carers saying, 'I want my rights!', and they wanted to help young people understand how others might see this. Many felt it was important for young people to get together to have a say in services they received.

Children's rights and social workers worked well together at times but there were many conflicts. Rights workers had different views about how much they should challenge local authorities over children's issues.

There were lots of other things that came out of the research and I can talk to you about these by email or telephone or you can find out more later from the long report.

I would like to hear your views about anything I've mentioned and especially about:

- Making complaints in foster and residential care.
- How much attention should be given to the consequences of expressing wishes and feelings.

Best wishes, Viv



Email: [v.barnes@coventry.ac.uk](mailto:v.barnes@coventry.ac.uk)  
Tel: 02476 795814



## *Appendix 7*

### **Contact sheet for Interviews**

#### **Interview with**

T., young person

#### **1. What were the main issues or themes that struck you in this contact?**

T.'s complete faith in Children's rights. His careful, intelligent problem solving approach to negotiating the issues.

#### **2. Summarise the information you got or failed to get in the main areas of questioning.**

**Social workers:** T. had large no. of social workers. Negatives about current social worker – inefficient, unreliable, infrequency of visits, doesn't listen, takes carer's side. Positive – knows me well, doesn't get angry. Some good social workers – presents. General – low expectations, bureaucracy, lack of confidentiality, care role of social worker.

**Children's rights:** Groups – sharing problems. Positives – workers friendly, supportive, fun, listen, confidentiality, balanced view, lots of contact, mutual respect, equality, not treated like child, more resources than social services, altruistic, well motivated. Have given T. 'voice', opportunities, self assertion, socialising.

**Differences between social work and children's rights:** T. made the contrast without prompting throughout – very polarised view

**General issues re advocacy:** Idealised view of children's rights workers - not for own gain. Difficulty of making complaints because of consequences/repercussions especially with carer – needed to plan 'route'

**Others:** foster carer, sister, counsellor, school, mum

#### **3. Anything else that struck you as salient, interesting or illuminating in the contact?**

Stark contrast in attitude to social work and children's rights. Loyalty to children's rights. T's expression of care taken to keep people (professionals/carers) happy.

#### **4. Any ideas derived from this contact about developing the interview content or methodology?**

Interview worked really well

Is social worker necessary? – just necessary evil?

#### **5. Cross references with other data?**

D. (social worker) says - T intellectualises, aggressive about children's rights, lack of friends

T. says V.(sister) is out for her own gain through children's rights

C.(young person) re self-assertion